

- D) Public outdoor arenas, such as but not limited to ice rinks, tennis courts, and playing fields, may be exempt from the requirements for light intensity and spill over onto other properties during the evening hours for sporting and other organized events at the arena. All high intensity lighting for the arena shall be shut off within thirty (30) minutes of the completion of the game or event. All exterior lighting for the arena shall meet the standard lighting condition of paragraphs A through C of this Section within sixty (60) minutes of completion of the game or event.

508.27 Shoreland Areas – The following provisions shall apply only to the land areas that are depicted on the Official Land Zoning Map and within:

- Two hundred fifty ft. (250'), horizontal distance, of the normal high water line of any Great Pond;
- Two hundred fifty ft. (250'), horizontal distance, of the normal high water line of any stream or river that drains an area of twenty five (25) square miles or more;
- Two hundred fifty ft. (250') from the upland edge of a non-forested freshwater wetland;
- Two hundred fifty ft. (250'), horizontal distance, of streams rated as high value fisheries habitat by the Town of Poland's Comprehensive Plan; and
- Seventy five ft. (75'), horizontal distance, of the normal high water mark of certain defined streams.

- A) Table of land uses in Shoreland Area – All land use activities, as indicated in the Table Land Uses in Shoreland Area, shall conform to all use standards in this Code, Chapter, and Section.

Key to Table:

P	Allowed/Permitted. No permit is required but the use must comply with all applicable land use standards.
N	Not Allowed/Prohibited
CEO	Requires a permit issued by the Code Enforcement Officer
PB	Requires approval issued by the Planning Board in accordance with the provisions of this Code.
LPI	Local Plumbing Inspector
MFS	Regulated by the Maine Forest Service

Abbreviations:

RP Resource Protection

LR Limited Residential

LC Limited Commercial

SP1 Stream Protection 1

SP2 Stream Protection 2

TABLE 508.27.A. Land Uses in the Shoreland Area

LAND USES	SP1	SP2	RP	LR	LC
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	P	P	P	P	P
2. Motorized vehicular traffic on existing roads and public trails	P	P	P	P	P
3. Forest management activities except for timber harvesting	P	P	P	P	P
4. Timber harvesting	MFS	MFS	MFS	MFS	MFS
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	CEO ¹	CEO	CEO
6. Fire prevention activities	P	P	P	P	P
7. Wildlife management practices	P	P	P	P	P
8. Soil and water conservation practices	P	P	CEO	CEO	CEO
9. Mineral exploration	N	N	PB	PB	PB
10. Mineral extraction including sand and gravel extraction	N	N	PB ²	PB	PB
11. Surveying and resource analysis	P	P	P	P	P
12. Emergency operations	P	P	P	P	P
13. Agriculture	P	P	PB	PB	PB
14. Aquaculture	PB	PB	PB	PB	PB
15. Principal structures and uses					
A. Single family residential including driveways	PB	PB	N ³	PB ¹¹	PB ¹¹
B. Two family residential including driveways	N	N	N	N	N
C. Multifamily dwelling and planned residential development	N	N	N	N	N
D. Commercial	N	N	N	N	N
E. Industrial	N	N	N	N	PB
F. Governmental and institutional	PB	PB	PB	PB	PB
G. Small nonresidential facilities for educational, scientific, or nature interpretation purposes					
16. On-site and offsite structures accessory to allowed uses	CEO	CEO	CEO	CEO	CEO
17. Structures, and uses extending over or beyond the normal high water line or within a wetland					
A. Shoreline Stabilization	PB	PB	PB	PB	PB
B. Other Permanent Structures	N	N	N	N	N
C. Permanent (only those relating to existing dams)	PB	PB	PB	PB	PB

TABLE 508.27.A. Land Uses in the Shoreland Area - Continued					
LAND USES	SP1	SP2	RP	LR	LC
18. Conversions of seasonal residences to year round residences	N	N	N	N	N
19. Home occupations					
A. Within residence	PB	PB	PB	PB	PB
B. Outside of residence	N	N	N	N	N
20. Private sewage disposal system for allowed uses (no new system variances allowed)	LPI ⁴	LPI ⁴	LPI ⁴	LPI ⁴	LPI ⁴
A. Replacement of existing systems (see State standards)	LPI ¹⁰	LPI ¹⁰	LPI ¹⁰	LPI ¹⁰	LPI ¹⁰
21. Essential services					
A. Roadside distribution lines (34.5kV and lower)	PB ⁵	PB ⁵	PB ⁵	PB ⁵	PB ⁵
B. Non-roadside or cross country distribution lines involving 10 poles or less	PB ⁵	PB ⁵	PB ⁵	PB ⁵	PB ⁵
C. Non-roadside or cross country distribution lines involving 11 poles or more	PB ⁵	PB ⁵	PB ⁵	PB ⁵	PB ⁵
D. Other essential services	PB ⁵	PB ⁵	PB ⁵	PB ⁵	PB ⁵
22. Service drops, as defined, to allowed uses	P	P	P	P	P
23. Public and private recreational areas involving minimal structure development	PB	PB	PB	PB	PB
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	N	N	N ⁶	N ⁶	PB
26. Road construction	N ⁹	N ⁹	N ⁹	PB	PB
27. Parking facilities	N	N	N ⁷	PB	PB
28. Marinas	N	N	N	N ⁸	N ⁸
29. Filling and earthmoving < 100 cubic yards	CEO	CEO	CEO	CEO	CEO
30. Filling and earthmoving > 100 cubic yards or > 500 cubic yards when associated with a structural permit	PB	PB	PB	PB	PB
31. Filling and earthmoving < 500 cubic yards when associated with a structural permit	PB	PB	CEO	CEO	CEO
32. Signs (new or replacement)	CEO	CEO	CEO	CEO	CEO
33. Bridges	PB	PB	PB	PB	PB
34. Wells	CEO	CEO	CEO	CEO	CEO
35. Uses similar to permitted uses	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²
36. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
37. Uses similar to uses requiring PB approval	PB	PB	PB	PB	PB

Table 508.27.A. – Notes

1. In RP within one hundred ft. (100') of the normal high water line of Great Ponds permitted in accordance with Chapter 508.27.L.1.a. Not permitted within seventy five ft. (75') from the normal high water line of streams, except to remove safety hazards.

2. In RP not permitted in areas so designated because of wildlife value.
3. Single family residential structures, excluding mobile homes, may be allowed in accordance with Chapter 508.27.O. Two family residential structures are prohibited.
4. No new system variances permitted.
5. See further restrictions in Chapter 508.27.I.2.
6. Existing campgrounds under single ownership at the time of adoption of this Code may expand within the campground lot area with Site Plan Review by the Planning Board.
7. Except when an area is zoned for resource protection due to floodplain criteria in which case a permit is required by the planning Board.
8. Existing marinas under single ownership at the time of adoption of this Code may expand within the marina lot area with Site Plan Review by the Planning Board.
9. Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the resource protection area, in which case a permit is required from the Planning Board.
10. Failed septic systems must be replaced with LPI permit.
11. One principal structure per lot.
12. Code Enforcement Officer review required.

The following new commercial and industrial uses are prohibited within the Shoreland area adjacent to Great Ponds and streams that flow to Great Ponds.

- Auto washing facilities
- Auto or other vehicle service and/or repair operations including body shops
- Chemical and bacteriological laboratories
- Storage of chemicals including herbicides, pesticides, or fertilizers other than amounts normally associated with individual households or farms
- Commercial painting, wood preserving, and furniture stripping
- Dry cleaning establishments

- Electronic circuit board manufacturing
- Laundromats unless connected to a public sanitary sewage system
- Metal plating, finishing, or polishing
- Petroleum or petroleum product storage, not associated with normal household use, and/or sale except storage of same as use occurs and except for storage and sales associated with marinas
- Photographic processing
- Printing

B) Principal and Accessory Structures

- 1) All new principal and accessory structures shall be set back at least one hundred ft. (100'), horizontal distance, from the water line of a Great Pond except in the Village District where the setback shall be at least seventy five ft. (75') from the normal high water line, and seventy five ft. (75'), 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 two hundred fifty ft. (250'), horizontal distance, except for structures, road, parking spaces, or other regulated objects specifically allowed in the district in which case the setback requirements specified above shall apply. In addition:
 - a) The water body, or 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 the other functionally water dependent uses.
 - b) Accessory structures on conforming lots shall be twenty ft. (20') from side and rear lot lines.
 - c) Any accessory structure on nonconforming lots of record within two hundred fifty ft. (250') of Thompson Lake, Tripp Lake, Upper, Middle, and Lower Range Ponds, Garland, Mirror, Worthley, Dead, and Kettle Ponds, and Shaker and Estes Bogs are limited to one accessory structure per lot.
 - (i) A well shall not be counted as a structure for the purposes of this Section.
 - (ii) Wells in a Limited Residential District may be placed less than one hundred ft. (100') from the high water mark of a Great Pond for the purpose of obtaining minimum distance from a subsurface wastewater system. In no case can the distance between

the high water mark and the well be less than twenty five ft. (25'). The placement will also be such that there is a minimal impact on vegetation, especially buffer vegetation on the lot.

- d) See Section 508.2.A.5.
 - e) The Planning Board may increase the required setback of a proposed structure as a condition to permit approval, if necessary, to accomplish the purposes of the Section. Instances where a greater setback may be appropriate include, but are not limited to, areas of steep slopes, shallow or erodible soils, or where an adequate vegetative buffer does not exist.
 - f) Stairways or similar structures may be allowed with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes of twenty percent (20%) grade or greater over the area for which access is needed or areas of unstable soils provided that the structure is limited to a maximum of four ft. (4') width, that the structure does not extend below or over the normal high water line of a waterbody or upland edge of a wetland (unless permitted by the DEP pursuant to the Natural Resources protection Act, Title 38, M.R.S.A. Section 480-C), and that the Applicant demonstrates that no reasonable access alternative exists on the property.
- 2) On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure, meeting the required waterbody, tributary stream, or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) sq. ft. in area, nor eight ft. (8') 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.
 - 3) Retaining walls that are not necessary for erosion control shall meet the same structure setback requirements, except for low retaining walls and associated fill, provided all 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 twenty five ft. (25'), horizontal distance, from the normal high water line of a water body, 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 planting;
 - d) The total height of the wall(s), in the aggregate, is no more than twenty four inches (24');;
 - e) Retaining walls are located outside the 100 year floodplain on rivers, streams, 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;
 - g) A vegetated buffer area is established within twenty five ft. (25'), 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 must meet the following characteristics:
 - (i) 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;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of fifteen ft. (15'), horizontal distance, is required, measured perpendicularly to the normal high water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 508.27.M.2.a. may traverse the buffers.
- C) Multiple Principal Structures – If more than one principal structure is constructed on a single parcel of land the minimum lot area requirement shall apply to each structure and each structure shall meet the front, side, and rear setbacks, and road frontage requirements.

Each structure shall be so situated and constructed to be capable of being sold or transferred separately with a conforming lot except as may be allowed in Section 504.5.

- D) Structures and Uses Extending Over or Below the Normal High Water Line of a Water Body or within a Wetland
- 1) Permanent structures projecting into or over waterbodies and permanent structures designed to stabilize shorelines shall require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resource Protection Act. Permanent structures projecting into or over waterbodies shall not be allowed, with the exception of structures relating to existing dams and bridges.
 - a) Vegetation may be removed in excess of the standards in Section 508.27.M. of this ordinance to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - b) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve ft. (12') in width. When the stabilization project is complete, the construction equipment access way must be restored.
- E) Individual Private Campsites – Individual private campsites, not associated with campgrounds, are permitted provided the following conditions are met:
- 1) One (1) campsite per lot existing on the effective date of this Code or thirty thousand (30,000) sq. ft. of lot area within the Shoreland area, whichever is less, may be permitted.
 - 2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure the lot must contain the minimum lot dimensional requirements for the principal structure and/or use and the individual campsite separately.
 - 3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back from the minimum of one hundred ft. (100'), horizontal distance, from the normal high water line of a Great Pond, and seventy five ft. (75'), horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. Camping units plus canopies must meet side, road, and shoreline setback requirements.
 - 4) 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(s) except for a canopy shall be attached to the recreational vehicle.

- 5) The clearing of vegetation for the sitting of the recreational vehicle, tent, or similar shelter in the Shoreland Area shall be limited to one thousand (1,000) sq. ft. Section 508.27.M. may apply.
- 6) A written sewerage disposal plan describing the proposed method and location of sewerage 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.
- 7) When a recreational vehicle, tent, or similar shelter is placed on-site for more than one hundred twenty (12) days per year, all requirements for residential structures shall be met including the installation of a Subsurface Wastewater Disposal System in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewerage facilities.

F) Parking Areas

- 1) The shoreline setback requirements for all parking areas and those serving public boat launching facilities shall be a minimum of one hundred ft. (100'), horizontal distance, from the normal high water line or upland edge of a wetland.
- 2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing into a water body, and where feasible, to retain all runoff on-site.

G) Roads and Driveways – The following standards shall apply to the construction of roads and/or driveways, drainage systems, culverts, and other related features. For the purpose of the Section maintenance, repair, and paving of existing driveways is not considered as construction nor is the maintenance and repair of private roads. Paving of private roads is however considered to be construction.

- 1) Roads and driveways shall be set back at least one hundred fifty ft. (150'), horizontal distance, from the normal high water line of a Great Pond, river, other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than one hundred ft. (100'), horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. 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. This subsection shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section except for that portion of the road or driveway necessary for direct access to the structure.

- 2) New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district in which case the road or driveway shall be set back to the greatest practicable extent, but no less than one hundred fifty ft. (150') from the normal high water line of a water body, tributary stream, or upland edge of a wetland.
- 3) Existing roads, Town and State approved, and State or Town maintained or private may be expanded within the legal road right of way regardless of its setback from a water body with approval of the Planning Board in accordance with Chapter 8 – Street Construction Standards.
- 4) Notification of the Code Enforcement Officer shall occur the next working day after the emergency repairs to a private road have been made. The Code Enforcement Officer shall determine if best management practices have been used to prevent erosion and sedimentation and if the emergency repairs require Planning Board approval. Emergency repairs consist of making the road serviceable for passage of emergency vehicles, fire, and rescue.
- 5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 508.14.
- 6) Road and driveway grades shall be no greater than ten percent (10%) except for segments of less than two hundred ft. (200'). On slopes greater than twenty percent (20%) the road and/or driveway setback shall be increased by ten ft. (10') for each five percent (5%) increase in slope above twenty percent (20%).
- 7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams, or wetlands, roads, and driveways shall be designated, constructed, and maintained to empty onto an un-scarified buffer strip at least fifty ft. (50') plus two times (2x) 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 un-scarified 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.

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

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

<u>Grade (percent)</u>	<u>Spacing (ft.)</u>
0 – 2	250'
3 – 5	200' – 135'
6 – 10	100' – 80'
11 – 15	80' – 60'
16 – 20	60' – 40'
21+	40'

- b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent (10%) or less.
- c) On sections having slopes greater than ten percent (10%) ditch relief culverts shall be placed at approximately a thirty degree (30°) angle down slope from a line perpendicular to the centerline 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.
- 9) Ditches, culverts, bridges, dips, water turnouts, and other stormwater management systems associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

H) Stormwater Runoff

- 1) All new construction and development shall be designed to minimize stormwater 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 stormwaters.

- 2) Stormwater management systems shall be maintained as necessary to ensure proper functioning.

I) 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 roadside distribution lines, is not permitted in a Resource protection or Stream protection District except to provide services to permitted use within said district or except where the Applicant demonstrates that no reasonable alternative exists.
- 3) Damaged or destroyed public utility transmission and distribution lines, tower, and related equipment may be replaced or reconstructed without a permit.

J) Mineral Exploration and Excavation Permits

- 1) Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods that create minimal disturbance of less than one hundred (100) sq. ft. of ground surface. A permit from the Planning Board shall be required for mineral exploration that exceeds the above limitation. All excavations including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures so as to restore disturbed areas and to protect the public health and safety.
- 2) There shall be no new mineral extraction pits allowed in the Shoreland Area adjacent to Great ponds. Existing mineral extraction operations may be expanded in accordance with Section 508.19.
- 3) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred ft. (100'), horizontal distance, of the normal high water line of a Great Pond and within seventy five ft. (75'), horizontal distance, of the normal high water line of any other water body, tributary stream, or upland edge of a wetland.

K) Agriculture

- 1) All spreading of manure shall be accomplished in conformance with Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and Nutrient Management Law (7 M.R.S.A. Section 4201-4209).

- 2) Manure shall not be stored or stockpiled within two hundred and fifty ft. (250'), horizontal distance, of a Great Pond or within seventy five ft. (75'), horizontal distance, of other water bodies, tributary streams, or upland edge of wetlands. All manure storage areas within the Shoreland Area 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 twenty thousand (20,000) sq. ft. in surface area, or the spreading, disposal, or storage of manure within the Shoreland Area 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 Code.
- 4) There shall be no new tilling of soil within one hundred ft. (100'), horizontal distance, of the normal high water line of a Great Pond, within seventy five ft. (75'), horizontal distance, from other water bodies, nor within twenty five ft. (25'), horizontal distance of tributary streams and the upland edge of wetlands. Operations in existence on the effective date on this Section and not in conformance with this provision may be maintained.
- 5) Newly established livestock grazing areas shall not be permitted within one hundred ft. (100'), horizontal distance, of the normal high water line of a Great Pond, within seventy five ft. (75'), horizontal distance, of other water bodies, nor within twenty five ft. (25'), horizontal distance, of tributary streams and the upland edge of wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue provided that such grazing is conducted in accordance with a conservation plan that has been filed with the Planning Board.

L) Reserved

M) Clearing or Removal of Vegetation for Development Other than Timber Harvesting or individual Private Campsites

- 1) Within a Shoreland Area zoned for Resource protection abutting a Great Pond there shall be no cutting of vegetation within the strip of land extending one hundred ft. (100'), horizontal distance, inland from the normal high water line except to remove hazard trees as described in Section 507.27.N. 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 the district.
- 2) Except in areas as described in paragraph 1 above, within a strip of land extending one hundred ft. (100'), horizontal distance, inland from the normal high water line of a Great Pond, or within a strip extending seventy five ft. (75'), 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 two hundred fifty (250) sq. ft. in the forest canopy, or other woody vegetation if a forest canopy is not present, as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six ft. (6') in width, as measured between tree trunks and/or shrub stems, is permitted for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created and a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this Section a well distributed stand of trees adjacent to a Great Pond or stream flowing to a Great Pond shall be defined as maintaining a rating score of twenty four (24) or more in each twenty five ft. by fifty ft. (25' x 50') rectangular area as determined by the following rating system:

<u>Diameter of tree at 4 ½ ft. above ground level (inches)</u>	<u>Points</u>
2 – < 4	1
4 – < 8	2
8 – < 12	4
12 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 sixteen (16) per twenty ft. by fifty ft. (20' x 50') in each rectangular area.

The following shall govern in applying this point system:

- (i) The twenty ft. by fifty ft. (20' x 50') rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer strip;
- (ii) Each successive plot must be adjacent to but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by the Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points or as otherwise allowed by this Ordinance;
- (v) Where conditions permit no more than fifty percent (50%) of the points on any twenty five ft. by fifty ft. (25' x 50') rectangular area may consist of trees greater than twelve (12) inches in diameter.

- For the purposes of this Section other natural vegetation is defined as retaining existing vegetation under three ft. (3') in height and other ground cover and retaining at least five (5) saplings less than two inches (2") in diameter measured at four and one half ft. (4' ½") above ground level for each twenty five ft. by fifty ft. (25' x 50') rectangular area. If five saplings do not exist, then no woody stems less than two inches (2") in diameter can be removed until five (5) saplings have been recruited into the plot.
- b) Notwithstanding the above provisions no more than forty percent (40%) of the total volume of trees four inches (4") or more in diameter measured at four and one half ft. (4' ½") above ground level may be removed in any ten (10) year period.
 - c) In order to protect water quality and wildlife habitat existing vegetation under three ft. (3') 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 paragraphs 2 and 2.a., above.
 - d) Pruning of tree branches on the bottom one third (1/3) of the tree or the bottom twenty (20) ft., whichever is less, is permitted.
 - e) In order to maintain a buffer strip of vegetation when the removal of storm damaged, diseased, unsafe, or dead or hazard trees results in the creation of cleared opening these openings shall be replanted with native tree species in accordance with Section 508.27.N., below, unless existing new tree growth is present.
 - f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities including associated construction and related equipment operation within or outside the shoreline buffer must comply with the requirements of Section 508.27.M.2.
 - g) The provisions contained in paragraph 2.a., above, 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.
- 3) At distances greater than one hundred ft. (100'), horizontal distance, from a Great Pond and seventy five ft. (75'), 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 permitted on any lot, in any ten (10) year period, selective cutting of not more than forty percent (40%) of the volume of trees four inches (4") or more in diameter measured at four and one half ft. (4' ½") above ground level. Tree removal in conjunction with the development of permitted uses

shall be included in the forty percent (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 sewerage areas exceed in the aggregate fifteen percent (15%) of the lot area or seven thousand five hundred (7,500) sq. ft., whichever is greater, including land previously cleared.

- 4) Legally existing nonconforming cleared openings may be maintained but shall not be enlarged except as permitted by this Section.
- 5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this Section.

N) Hazard Trees, Storm Damaged Trees, and Dead Tree Removal

- 1) Hazard trees in the Shoreland Zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - a) Within the shoreline buffer if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred fifty (250) sq. ft., replacement with a native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches (2") in diameter measured at four and one half ft. (4' ½") above ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four ft. (4') in height and be no less than two inches (2") in diameter. Stumps may not be removed.
 - b) Outside of the shoreline buffer when the removal of hazard trees exceeds forty percent (40%) of the volume of trees four (4) inches or more in diameter, measured at four and one half ft. (4' ½") above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty five percent (25%) of the lot area within the Shoreland Zone, or ten thousand (10,000) sq. ft., whichever is greater, replacement with native tree species is required unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches (2") in diameter measured at four and one half (4 ½) ft. above ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two inches (2") in diameter, measured at four and one half (4 ½) ft. above ground level.

- c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit as long as the removal does not result in the creation of new lawn areas or other permanently cleared areas and the stumps are not removed. For the purposes of this provision dead trees are those that contain no foliage during the growing season.
 - d) The Code Enforcement Officer may require the property owner to submit an evaluation from by a licensed forester or arborist before any hazard tree can be removed from the Shoreland Zone.
 - e) The Code Enforcement Officer may require more than a one for one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half ft. (4' ½") above ground level.
- 2) Storm damaged trees in the Shoreland Zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- a) Within the shoreline buffer when the removal of storm damaged trees results in a cleared opening in the tree canopy greater than two hundred fifty (250) sq. ft., replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - (i) The area from which a storm damaged tree is removed does not result in new lawn areas or other permanently cleared areas;
 - (ii) Stumps from the storm damaged tree(s) may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one third (1/3) of the tree or the bottom twenty (20) ft.; and
 - (iv) If after one growing season no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) sq. ft. of lost canopy.
 - b) Outside of the shoreline buffer if the removal of storm damaged trees exceeds forty percent (40%) of the volume of trees four (4) inches or more in diameter, measured at four and one half ft. (4' ½") above ground level in any ten (10) year period, or results in the aggregate in cleared openings exceeding twenty five percent (25%) of the lot area within the Shoreland Zone, or ten thousand (10,000) sq. ft., whichever is greater, and no natural

regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one for one basis.

O) Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 508.27.M., provided that all other applicable requirements of this Chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- 1) The removal of vegetation occurs once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this Chapter, such as but not limited to, cleared openings in the canopy fields. Such areas shall not be enlarged except as allowed by this Section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to woody vegetation the requirements of Section 508.27.M. apply;
- 2) The removal of vegetation from the location of allowed structures or allowed uses when the shoreline setback requirements of Section 508.27.B. are not applicable;
- 3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- 4) The removal of vegetation associated with agricultural uses provided best management practices are utilized and provided all requirements of Section 508.27.K. are complied with;
- 5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a general development district, commercial fisheries, and maritime activities district, or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant to 38 M.R.S.A. Section 343-E, and that is located along:
 - a) A coastal wetland; or
 - b) A river that does not flow to a Great Pond classified as GPA pursuant to 38 M.R.S.A. Section 465-A.
- 6) The removal of nonnative invasive vegetation species provided the following minimum requirements are met:

- a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty five ft. (25'), horizontal distance, from the shoreline except that wheeled and tracked equipment may be operated or stored on existing structural surfaces such as pavement or gravel;
 - b) Removal of vegetation within twenty five ft. (25'), horizontal distance, from the shoreline occurs via hand tools; and
 - c) If applicable, clearing and vegetation removal standards are exceeded due to the removal of nonnative invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- 7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast guard, and their agents.

P) Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 508.27.M. to address the removal of nonnative invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

- 1) The property owner must submit a revegetation plan prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan depicting where vegetation was or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted including a list of all vegetation to be planted.
- 2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the preexisting vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the preexisting vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
- 3) If part of a permitted activity revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

- 4) Revegetation activities must meet the following requirements for trees and saplings:
 - a) All trees and saplings removed must be replaced with native noninvasive species;
 - b) Replacement vegetation must at a minimum consist of saplings;
 - c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - d) No one species shall make up fifty percent (50%) or more of the number of trees and saplings planted;
 - e) If revegetation is required for a shoreline stabilization project and it is not possible to plant trees and saplings in the same area where trees or saplings were removed then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - f) A survival rate of at least eighty percent (80%) of planted trees or saplings is required for a minimum five (5) year period.
- 5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three ft. (3') in height:
 - a) All woody vegetation and vegetation under three ft. (3') in height must be replaced with native noninvasive species of woody vegetation and vegetation under three ft. (3') in height as applicable;
 - b) Woody vegetation and vegetation under three ft. (3') in height shall be planted in quantities and varieties sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - d) No one species shall make up fifty percent (50%) or more of the number of planted woody vegetation plants; and
 - e) Survival of planted woody vegetation and vegetation under three ft. (3') in height must be sufficient to remain in compliance with the standards contained within this Chapter for a minimum of five (5) years.

- 6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation in quantities and varieties sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - b) Where necessary due to lack of sufficient ground cover an area must be supplemented with a minimum of four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Chapter for a minimum of five (5) years.
- Q) Shoreland access Held in Common – The use of any property for shoreland access held in common shall require a minimum shoreland frontage of three hundred ft. (300') and an additional forty ft. (40') for each dwelling unit beyond the third (3) unit using said shoreland access held in common. Any recreational facilities associated with the shoreland access held in common such as existing beaches, docks, boat ramps, and or picnic areas shall be a minimum of seventy five ft. (75') from the side lot lines.
- R) Single Family Home in Resource Protection District, Special Exceptions – 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:
 - 1) There is no location on the property other than the location within the Resource Protection District where a structure can be built; and
 - 2) The lot on which the structure is proposed is undeveloped and was established and recorded in the Androscoggin County Registry of Deeds before the adoption of the Resource Protection District.
 - 3) All proposed buildings, sewerage disposal systems, and other improvements are:
 - a) Located on natural ground slopes of less than twenty percent (20%); and
 - b) Located outside the floodway of the 100 year floodplain 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 ft. (1') above the 100 year floodplain elevation; and the development is otherwise in compliance with the Chapter 7 – Floodplain Management Standards.

- c) If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be on half (1/2) the width of the 100 year floodplain.
- 4) The total footprint, including cantilevered or similar overhanging extensions of all principal and accessory structures is limited to a maximum of one thousand five hundred (1,500) sq. ft. This limitation shall not be altered by variance.
- 5) All structures shall be set back one hundred fifty ft. (150'), horizontal distance, from the normal high water line or upland edge of a wetland. In considering the location 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.

508.28 Aquifer Protection Overlay District Requirements – Aquifer Protection Overlay District requirements apply concurrently with the requirements for the underlying zoning district. Where a conflict exists between the Aquifer Protection Overlay District and the underlying zoning district requirements the more restrictive requirement shall apply.

A) Interpretation of Aquifer Boundaries and Lots Divided by Aquifer Protection Overlay District Boundary Line

- 1) Unless otherwise set forth on the Official Land Zoning District Map the Aquifer Protection Overlay District boundary lines shall be delineated on the "Gray, Mechanic Falls, Minot, and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps", published by the Maine Geological Survey, and as amended by the Board of Appeals.

If the official boundaries of the Aquifer Protection Overlay Districts as delineated on the Zoning Maps are disputed due to lack of sufficient detail on the available maps, the landowner or agent may submit hydrogeologic evidence to support any claim. The evidence shall be prepared by a State of Maine certified geologist with expertise in hydrogeology. The Poland Board of Appeals shall be the final authority as to boundary locations.

- 2) When an Aquifer protection Overlay District boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Code, the regulations applicable to the less restricted portion of the lot, except in the