

**ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE
PROTECTION STANDARDS**

are not in conformance with the above shoreline setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

SECTION 14. CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING

A. Streams, and Resource Protection and Critical Watershed Shoreland Overlay Districts.

1. In a Resource Protection or Critical Watershed Shoreland Overlay District abutting a great pond, there shall be no cutting of vegetation within the shoreline buffer extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards in accordance with Article VII Section 15. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the shoreline buffer is not created. Elsewhere, in any Resource Protection District and Critical Watershed Shoreland Overlay District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Within the 75-foot shoreline buffer of a stream, clearing or removal of vegetation requires a permit from the Code Enforcement Officer.

B. Vegetative Buffer Strips. Except in areas as described in Section 14.A above, within a shoreline buffer extending 100 feet, horizontal distance inland from the normal high-water line of a great pond or a river flowing to a great pond, or within a shoreline buffer extending 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, vegetation shall be preserved as follows:

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 single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the shoreline buffer is not created.

2. Selective cutting of trees within the shoreline buffer is allowed provided that 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 a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in any 25-foot by 50-foot square (1,250 square feet) area as determined by the following rating system.

Diameter of Tree at 4½ 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.

**ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE
PROTECTION STANDARDS**

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.

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

For the purposes of Section 14(B)(2) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4½) 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 (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

3. To protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered or removed, except to provide for a footpath as described in Section 14.B.1. above.
4. Pruning of tree branches, on the bottom ⅓ of the tree is allowed
5. To maintain the vegetation in the shoreline buffer, the removal of storm-damaged, hazard or dead trees and any required replanting shall occur in accordance with Article VII Section 15.
6. To maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation,

**ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE
PROTECTION STANDARDS**

within or outside the shoreline buffer, must comply with the requirements of Section 14.B.

- C. Outside the Shoreline Buffer.** At distances greater than 100 feet, horizontal distance, from a great pond or a river flowing to a great pond, 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 (4) inches or more in diameter, measured 4½ 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 equivalent to basal area.
- D. Cleared Openings.** 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 ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of the lot within the shoreland zone, including the shoreline buffer area. This provision shall not apply to the Downtown Shoreland Overlay Districts (#1 and #1) or the Village Shoreland Overlay District.
- E. Existing Cleared Openings.** Legally existing nonconforming cleared openings may be maintained, in accordance with Article VII Section 16. If these areas, fields or other cleared openings have reverted to primarily woody vegetation, as a result of not maintaining them in accordance with Section 16, then the provisions of Section 14 shall apply.

SECTION 15. HAZARD TREES, DEAD TREES AND STORM-DAMAGED TREES

- A.** Hazard trees may be removed without a permit after consultation with the CEO, provided the following requirements are met.
1. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the opening shall be replaced with native tree species, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches in diameter, measured at (four and one half (4½) feet above ground level. If new growth is not present, then replacement trees shall consist of native species, be at least four (4) feet in height and be no less than two (2) inches DBH (see Article IX Definitions). Stumps shall not be removed.
 2. Outside the shoreline buffer, if the removal of hazard trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4½) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then replacement with native tree species is required, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches DBH. If new growth is not present, then replacement trees shall consist of native species and be no less than two (2) inches DBH.
 3. The CEO may require the applicant to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 4. The CEO may require more than a one-for-one replacement for removed hazard trees that exceeded eight (8) inches in diameter at four and one half (4½) feet above ground level.

**ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE
PROTECTION STANDARDS**

- B. Dead trees may be removed without a permit, provided the following requirements are met:
 - 1. The trees are dead from natural causes. Dead trees are those that contain no foliage during the growing season.
 - 2. The removal of dead trees does not result in the creation of new lawn areas or other permanently cleared areas.
 - 3. Stumps shall not be removed.
- C. Storm-damaged trees may be removed without a permit after consultation with the CEO, provided the following requirements are met:
 - 1. Within the shoreline buffer, if the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the following shall be required.
 - a. The area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required at a density of one seedling/sapling per every 80 (eighty) square feet of open canopy.
 - b. The removal of storm-damaged trees does not result in the creation of new lawn areas or other permanently cleared areas.
 - c. Stumps shall not be removed.
 - d. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third ($\frac{1}{3}$) of the tree.
 - 2. Outside the shoreline buffer, if the removal of storm-damaged trees results in more than 40 (forty) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half ($4\frac{1}{2}$) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than 25 (twenty-five) percent of the lot area within the shoreland zone or more than 10,000 (ten thousand) square feet, whichever is greater, then the area shall be required to naturally revegetate. If after one growing season no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required on a one-for-one basis.

SECTION 16. EXEMPTIONS TO SECTION 14. The following activities are exempt from the standards for clearing or removal of vegetation set forth in Section 14, provided that all other applicable requirements of this Ordinance are complied with, and the removal of vegetation is limited to that which is necessary:

- A. The clearing or removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the standards of Section 14, such as but not limited to clear openings in the canopy or fields. If any of these areas revert to primarily woody vegetation, due to a lack of removal of vegetation every two (2) years, the requirements of Section 14 shall apply.
- B. The clearing or removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Article VII Section 2 are not applicable.
- C. The clearing or removal of vegetation from the location of public swimming areas associated with allowed public recreational facilities.
- D. The clearing or removal of vegetation associated with allowed agricultural uses, provided that all requirements of Article VII Section 13 are complied with, and that best management practices are utilized.

**ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE
PROTECTION STANDARDS**

- E. The clearing or removal of non-native invasive vegetation, provided that the following requirements are met:
1. if clearing or removal of vegetation occurs via wheeled or tracked motorized equipment, then the wheeled or tracked motorized equipment is operated and stored at least 25 (twenty-five) feet, horizontal distance, from the shoreline, except that the wheeled or tracked motorized equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 2. the clearing or removal of vegetation within 25 (twenty-five) feet, horizontal distance, from the shoreline occurs via hand tools; and
 3. if the clearing or removal of non-native invasive vegetation results in a standard of Section 14 being exceeded, then the area shall be revegetated in accordance with Section 17 to achieve compliance with the applicable standard(s) of Section 14.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program.
http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

- F. The clearing or 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.

SECTION 17. REVEGETATION REQUIREMENTS. When revegetation is required to address the removal of non-native invasive species of vegetation, to address removal of vegetation in conjunction with shoreline stabilization, in response to violations of the standards set forth in Section 14, or as a mechanism to allow for development that may otherwise not be permissible due to the standards of Section 14, then revegetation shall comply with the following requirements:

- A. The applicant 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.
- B. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed, and must occur at a density comparable to the pre-existing vegetation. If this is not feasible due to shoreline stabilization, then revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
- C. 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.
- D. Revegetation activities must meet the following requirements for trees and saplings:
 1. all trees and saplings removed must be replaced with native noninvasive species;
 2. replacement vegetation must consist of saplings at a minimum;
 3. if more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 4. no one species shall make up 50% or more of the number of trees and saplings planted;

**ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE
PROTECTION STANDARDS**

5. if revegetation is required for shoreline stabilization, 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
 6. a survival rate of at least eighty (80) percent of planted trees/saplings is required for a minimum of five (5) years.
- E. Revegetation activities must meet the following requirements for all woody vegetation and for other vegetation under three (3) feet in height:
1. all woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 2. woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 3. if more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 4. no one species shall make up 50% or more of the number of planted woody vegetation plants; and
 5. survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained in Section 14 for a minimum of five (5) years.
- F. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
1. all ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 2. where necessary due to a lack of sufficient ground cover, the area must be supplemented with leaf mulch and/or bark mulch at a minimum of four (4) inches deep to prevent erosion and provide for effective infiltration of stormwater; and
 3. survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Ordinance for a minimum of five (5) years.

SECTION 18. EROSION AND SEDIMENTATION CONTROL. The proposed use shall be in conformance with the provisions of Article VI. Section 5. Erosion and Sedimentation Control.

- A. When an excavation contractor will perform the activities, compliance with the following shall be required:
1. A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.