

# Town of Acton, Maine Planning Board Meeting MEETING MINUTES

**DATE:** February 2, 2017 (approved February 16, 2017)

**ROLL CALL:**

Members Present: Bob Smith - Chairman  
Tom Cashin – Vice Chairman  
Yoli Gallagher  
Gavin Maloney  
Skip Scott  
Lincoln Marston, Alternate

Members Absent: Leslie Berlan, Alternate (excused)

Also present: Ken Paul, CEO; Virginia Deboer, Video Recorder; Matt Pepin; Steve Bodkin, Town Forester

The Chairman convened the meeting at 7:00 p.m. and declared a quorum.

**Approval of Minutes:** Moved by Skip Scott, seconded by Tom Cashin, to approve the Minutes of the Meeting of January 19, 2017 as written. The motion passed 5-0.

**Old Business:**

- **Pepin, Conditional Use Permit to Expand Mineral Extraction Operations at Map #207, Lot #005, H Road:** Documents provided by Matt Pepin were distributed to Board Members in the Meeting Packets:
  - A new Application for Conditional Use Permit dated 1/6/2017;
  - Spill Prevention Control and Countermeasures Plan;
  - Operations Manual;
  - Comparison of Conditions Between Subsequent Approval Processes – September 2007 Conditions of Approval and February, 2017 Currently Requested Conditions of Approval,
  - Groundwater Monitoring Wells and
  - Maps including Cover Sheet, Site Plan, Reclamation Plan and Detail

Matt Pepin requested that all documents distributed previously be disregarded as the Application has changed and they are no longer pertinent.

Mr. Pepin explained that the new Application requests expansion of the existing pit and extraction of up to 10,000 cubic yards per year from the Little Ossipee District, CRD 7 and CRD 9. He is no longer requesting extraction in the Resource Protection Districts because tree harvesting criteria prevents cutting enough trees to open up those areas to allow extraction.

He stated that one designated fueling area will be established near the site entrance but screeners will be fueled from 100 gallon tanks delivered by pick up trucks in accordance with the Saco River Corridor Commission requirements.

He also pointed out that section 4.8 on page 11 of the Operations Manual states: "at no point in time shall the operator process material from both CRD 7 and CRD 9 at the same time. The operator may work on reclaiming one area while processing another."

Gavin Maloney requested a copy of the Ecological Assessment and Species Evaluation that came from the Hanson Pond Site Visit Summary, 2016. Matt Pepin agreed to provide copies of that study.

Consensus of Board Members and Mr. Pepin was to schedule a Public Hearing regarding this application on Thursday, March 16 prior to the regular meeting.

- **Three Rivers Land Trust / Town of Acton Subdivision Application, Portion of Map 220, Lot 002:** The Chairman reminded the Board that the Public Hearing regarding the Three Rivers Land Trust Application will be held at the next meeting on February 16<sup>th</sup>.

Tom Cashin suggested discussing the inclusion of Section 5.11 of the Zoning Ordinance, Good Neighbor and Design Standards for Proposed Development, as a condition of approval of the Subdivision Application to ensure that development of the site for agricultural use does not adversely affect neighbors. There was no opposition to the suggestion.

- **Acton Zoning Ordinance Proposed Amendments:** Steve Bodkin recommended removing section 5.19 from the Zoning Ordinance because that section was in the Ordinance prior to the State of Maine adopting statewide Standards and are, therefore, contradictory. He explained that the State will not help enforce timber harvesting in the Town of Acton if any town criteria exists over and above the Statewide Standards because it becomes too confusing, especially considering that the Town adopted different Resource Protection criteria from the State's definition. Gavin Maloney stated that he supports retaining local control over enforcement and that he doesn't understand the State's all-or-nothing stance.

Mr. Maloney asked Steve Bodkin, as the Town Forester, if he supports requiring that a forester be involved in all commercial timber harvesting projects. Mr. Bodkin responded that while he agrees that using a forester to plan commercial harvesting improves the project and increases efficiency, he does not agree with making it a requirement.

Tom Cashin asked Mr. Bodkin if he thinks the State would agree to oversee the enforcement of timber harvesting in the ten-acre Resource Protection Districts and allow the Town to enforce timber harvesting in the Town's two-acre Resource Protection Districts. Mr. Bodkin responded that he is unsure what the State's stand would be on that but he is willing to research the question.

Board Members and Ken Paul reviewed the proposed amendments to the Zoning Ordinance to separate the proposals in groups A through D to be presented as separate articles on the Annual Town Meeting Warrant in June (attached to these Minutes).

Moved by Skip Scott, seconded by Tom Cashin, to designate commercial harvesting as a permitted use in the Aquifer Protection District. The motion passed 4-1.

- **12<sup>th</sup> Street Acres Subdivision Driveway Modification:** the Chairman reported that he received a letter from the 12<sup>th</sup> Street Road Association that should be discussed at the next meeting.
- **Moose Pond Sand and Gravel Conditional Use Permit Application for Mineral Extraction, Anderson Cove / H Road, Map 207, Lot 001:** Ken Paul stated that the applicant is scheduled to attend the March 2<sup>nd</sup> meeting to proceed with the application.

#### Old Business:

- **Countryside Estates Subdivision:** Ken Paul reported that his office has received an application for a Building Permit to construct a structure on Lot #6, however, the septic design that was submitted does not agree with the final plan as approved by the Planning Board. He is looking for guidance as to how the Board would like to address the issue. Consensus of Board Members was that the Board reviews the plan and application at the next meeting.

**Adjournment:** The Chairman adjourned the meeting at 9:23 p.m.

# PROPOSED AMENDMENTS TO THE ORDINANCE - GROUP A

~~Strikethrough~~ reflects proposed language omitted or changed;

underline indicates proposed language added;

\*\*\*\* indicates unaffected language between proposed modifications

**1.4.10.4 Expansion of Use** – A non-conforming building, or structure may be repaired, replaced, maintained, or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance. In the Shoreland District, expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 1.4.11.7 ~~2~~ b. Expansions of non-conforming uses in the Resource Protection District are prohibited.

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## 1.4.11 Non-Conforming Buildings or Structures --

**1.4.11.1 Maintenance or Enlargement** – A non-conforming structure may be repaired, replaced, maintained, or improved provided the repair, replacement, maintenance, or improvement does not increase the nonconformity of the structure by encroaching any further on any of the setbacks: and all required permits are obtained.

### **1.4.11.2~~1~~ Expansion in Shoreland District or Resource Protection District within the Shoreland Zone**

**a)** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (b) and (c) below.

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### **1.4.11.2 Expansion of Structures Existing Prior to September 29, 2011 in the Resource Protection District Outside of the Shoreland Zone**

a) A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (b) and (c) below.

b) After September 29, 2011, if any portion of a structure in the Resource Protection District outside of the Shoreland Zone is less than the required setback from a tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by more than thirty percent (30%) during the lifetime of the structure.

If a replacement structure conforms with the requirements of Section 1.4.11.3, and is less than the required setback from a tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on September 29, 2011 had been expanded by thirty percent (30%) in floor area or volume since that date.

c) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 1.4.11.4 below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 1.4.11.2.b above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured

from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

d) No structure which is less than the required setback from the a tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream or wetland.

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**1.4.11.3 Reconstruction or Replacement** – Any non-conforming structure which does not meet one or more of the required setbacks, including the required setbacks from a water body, tributary stream, or wetland in the Resource Protection District within the Shoreland Zone and Shoreland District and which is removed, or damaged, or destroyed regardless of the cause, by more than fifty percent (50%) of the market value, over a five (5) year period, of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with all required setbacks, and the water body, tributary stream or wetland setback requirements in the Resource Protection District within the Shoreland Zone and the Shoreland Districts, to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 1.4.11.2 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 1.4.11.2 4 below.

**1.4.11.4 Relocation** – A non-conforming structure shall be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. The Planning Board shall not consider any improvements to the property that have occurred within the past five (5) years. A building permit must be obtained within eighteen (18) months of Planning Board approval.

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**1.11 Effective Date –**

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~~**B. Timber Harvesting, Sections 5.19.1 and 5.19.2.** Section 5.19.1 is repealed on the statutory date established under 38 M.R.S.A. Section 438-A(5), at which time Section 5.19.2 shall become effective. Until such time as Section 5.19.1 is repealed, Section 5.19.2 is not in effect.~~

~~**NOTE:** The statutory date established under 38 M.R.S.A. Section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is “the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state wide standards or have adopted an Ordinance identical to the state wide standards.” 38 M.R.S.A. Section 438-A(5) further provides that “the~~

~~Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state wide standards."~~

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## ARTICLE 2 - ESTABLISHMENT OF DISTRICTS

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**2.1.4** Little Ossipee District – extends to all land areas within ~~seven hundred fifty (750)~~ five hundred (500) feet from the normal high water mark of Balch Pond and the Little Ossipee River.

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### 2.6 General Lot Standards –

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~~2.6.2~~ ~~Flag and other odd shaped lots in which narrow strips are joined to other parcels in order to meet lot size requirements are prohibited.~~

**2.6.3 2** No portion of a building shall exceed thirty-five (35) feet in height except chimneys. Features of detached accessory buildings may exceed thirty-five (35) feet in height, but shall be set back from the nearest lot line a distance not less than the height of such structure, unless a greater setback is required by other provisions of this Ordinance.

**2.6.4 3** Any new lot shall meet minimum road frontage requirements for the district in which the frontage is located, and the road frontage must be based on the horizontal distance between the intersections of the side lot lines with the front lot line along a road that meets the Town of Acton Road Standards (Level A, B, or C).

### **2.6.5 4** Minimum Lot Standards –

## PROPOSED AMENDMENTS TO THE ORDINANCE - GROUP B

*Strikethrough* reflects proposed language omitted or changed;  
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### 2.7 LAND USE CHART

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	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
<b>RURAL USES</b>												

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Timber Harvesting for Commercial	P	P	P	P	P	P	P	P	R4	R4	R4	R4
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<b>PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL</b>												
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Public Utilities <del>including sewage collection</del>	S	S	S	S	S	S	S	S	S	S	S	S
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<b>OTHER USES</b>												
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Filling, grading, or other earth moving activity less than 10,000 cubic yards <u>per year</u>	P	P	P	P	P	P	P	P	<del>C</del>	<del>C</del>	<del>C</del>	P
Filling, grading, or other earth moving activity less than 500 cubic yards <u>per year</u>	P	P	P	P	P	P	P	P	C	C	C	P
Filling, grading, or other earth moving activity less than 100 cubic yards <u>per year</u>	P	P	P	P	P	P	P	P	R	R	R	P

	Village Area	Transition Area (2-acre)	Rural Area (2-acre)	Critical Rural Area (5-acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection District
<u>Individual, private campsites</u>	R	R	R	R	R	R	R	R	R	R	R	R
<u>Road construction</u>	R	R	R	R	R	R	R	R	N6	C	C	R
<u>Land management roads</u>	P	P	P	P	P	P	P	P	C	P	C	P
<u>Parking facilities</u>	P	P	P	P	P	P	P	P	N	C2	C2	C

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**ESSENTIAL SERVICES**

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<u>Renewable energy installed on an existing structure</u>	R	R	R	R	R	R	R	R	R	R	R	R
<u>Renewable energy not installed on an existing structure</u>	C	C	C	C	C	C	C	C	N	C	C	C

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<u>Individual, private campsites</u>	R	R	R	R	R	R	R	R	R	R	R	R
<u>Road construction</u>	R	R	R	R	R	R	R	R	N6	C	C	R
<u>Land management roads</u>	P	P	P	P	P	P	P	P	C	P	C	P
<u>Parking Facilities</u>	P	P	P	P	P	P	P	P	N	C2	C2	C

# PROPOSED AMENDMENTS TO THE ORDINANCE - GROUP C

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**3.2 Definitions** – In this Ordinance, the following terms shall have the following meanings unless a contrary meaning is required by the content or is specifically prescribed.

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**Basement** – ~~Outside the Shoreland and Resource Protection District, this term shall mean a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground. Within the Shoreland and Resource Protection District, this term shall mean any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than fifty percent (50%) of its volume below the existing ground level.~~

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**Foundation** – ~~Outside the Shoreland and Resource Protection Districts, the term shall mean the supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts, or frost walls. Within the Shoreland and Resource Protection Districts, the term shall mean the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material. Any substructure that meets the Building Code.~~

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## ARTICLE 4 – LAND USE DISTRICT REQUIREMENTS –

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**4.3.2.1 DEFINITION** – The Shoreland District shall include the land area located within the shoreland zone (which includes land located within two hundred and fifty (250') feet, horizontal distance, of the normal high-water line of any great pond, or river; within two hundred fifty (250') feet, horizontal distance, of the upland edge of a wetland; or within seventy-five (75') feet, horizontal distance, of the normal high water line of a stream) ~~and that is not within the Resource Protection District.~~

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### 4.4 LITTLE OSSIPEE RIVER DISTRICT –

**4.4.1 PURPOSE** – The Little Ossipee River District extends to all land areas within ~~seven hundred and fifty feet (750')~~ five hundred (500') from the normal high water mark of Balch Pond and the Little Ossipee River. The purpose of this District is to control the use and development of undeveloped shoreland areas along the Little Ossipee River in conformance with the Limited Residential District established by the Saco River Corridor Commission.

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**5.4 INDIVIDUAL PRIVATE CAMPSITES** – Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met (When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately):

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- f. When a recreational vehicle, tent, or similar shelter is occupied on-site for more than ~~one hundred and twenty (120)~~ thirty (30) 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.



## PROPOSED AMENDMENTS TO THE ORDINANCE - GROUP D

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**5.19 TIMBER HARVESTING** – The following standards shall govern Timber Harvesting within the Shoreland District and Resource Protection District. ~~See Section 1-9-B for additional information pertaining to timber harvesting regulations.~~

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### ~~5.19.1 TIMBER HARVESTING~~

~~5.19.1.1~~ In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

~~(a) Within the strip of land extending seventy five (75) feet, horizontal distance, inland from the normal high water line, timber harvesting may be conducted when the following conditions are met:~~

~~(1) The ground is frozen;~~

~~(2) There is no resultant soil disturbance;~~

~~(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;~~

~~(4) There is no cutting of trees less than 6 inches in diameter, no more than thirty percent (30%) of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period, and a well-distributed stand of trees and other natural vegetation remains, and~~

~~(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.~~

~~(b) Beyond the seventy five foot (75') strip referred to in Section 5.19.1.1 (a) above, timber harvesting is permitted in accordance with Section 5.19.1.1 below, except that in no case shall the average residual basal area of trees over four and one half inches (4 1/2") in diameter at four and one half feet (4 1/2') above ground level be reduced to less than thirty square feet (30 sq. ft.) per acre.~~

~~5.19.1.2~~ Except in areas as described in Section 5.19.1.1 above, timber harvesting shall conform with the following provisions:

~~(a) Selective cutting of no more than forty percent (40%) of the total volume of trees four inches (4") or more in diameter measured at four feet (4 1/2') above ground level on any lot in any ten (10) year period is permitted. In addition:~~

~~(i) Within one hundred feet (100'), horizontal distance, of the normal high water line of a great pond or a river flowing to a great pond, and within seventy five feet (75'), horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear cut openings; and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~

~~(ii) At distances greater than one hundred feet (100'), horizontal distance, of a great pond or a river flowing to a great pond, and greater than seventy five feet (75'), horizontal distance, of the normal high water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings~~

greater than ten thousand square feet (10,000 sq ft) in the forest canopy. Where such openings exceed five thousand square feet (5,000 sq. ft.), they shall be at least one hundred feet (100'), horizontal distance, apart. Such clear cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

**NOTE:** Subparagraph 5.19.1.2(b) below, should be included only if a municipality desires to permit harvesting operations to exceed 40% of the volume of trees in a 10-year period if necessary for good forest management. The adoption of subparagraph 5.19.1(2)(b) not required.

- ~~(b) Timber harvesting operations exceeding the forty percent (40%) limitation in Section 5.19.1.2-a above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.~~
- ~~(c) No accumulation of slash shall be left within fifty feet (50'), horizontal distance, of the normal high water line of a water body. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet (4') above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.~~
- ~~(d) Timber harvesting equipment shall not use stream channels as travel routes, except when:
  - ~~i. Surface waters are frozen; and~~
  - ~~ii. The activity will not result in any ground disturbance.~~~~
- ~~(e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
- ~~(f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~
- ~~(g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy five feet (75'), horizontal distance, in width for slopes up to ten percent (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 ten percent (10%) increase in slope, the unscarified strip shall be increased by twenty feet (20'), horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five feet (25'), horizontal distance, from the normal high water line of a water body or upland edge of a wetland.~~

#### **5.19.2 Timber Harvesting - Statewide Standards Effective on effective date established in Section 1.9.B -**

**5.19.2.1 5.19.1 Shoreline Integrity and Sedimentation** – Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams, and wetlands occurs, such conditions must be corrected.

**5.19.2.2 5.19.2 Slash Treatment** – Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 5.19.2.2 does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

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**5.19.2.3 5.19.3** Timber harvesting and related activities must leave adequate tree cover, and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

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**5.19.2.4 5.19.4 Skid Trails, Yards and Equipment Operation** – This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

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**5.19.2.5 5.19.5 Land Management Roads** – Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches, and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream, or wetland. Surface water on, or adjacent to, water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 5.19.2.7 of this rule.

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**5.19.2.6 5.19.6 Crossings of Waterbodies** – Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

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**5.19.2.7 5.19.7 Slope Table** – Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 5.19.2, but in no case shall be less than shown in the following table.

## 5.20 CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING

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### 5.20.6 Revegetation Requirements as a Result of a Violation

When revegetation is required in response to violations of the vegetation standards set forth in Section 5.19 to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:

(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 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 sapling 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 (80) percent of planted trees or saplings is required for a minimum five (5) years period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

(a) 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;

(b) 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;

(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 50% or more of the number of planted woody vegetation plants, and

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for 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 variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(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 minimum of five (5) years.

## PROPOSED AMENDMENTS TO THE ORDINANCE - GROUP E

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*Strikethrough* reflects proposed language omitted or changed;

*underline* indicates proposed language added;

*\*\*\*\** indicates unaffected language between proposed modifications

### 6.2 BUILDING OR USE PERMIT –

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6.2.3 Within ~~seven (7)~~ thirty (30) days of the filing of an application for a building or use permit, the Code Enforcement Officer shall approve, deny, or refer to the Planning Board for conditional use, all such applications. His/her decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the Municipal Office. In cases where the Code Enforcement Officer deems that a Conditional Use Permit is required, he/she shall also provide a copy of his/her decision to the Planning Board. In instances of new construction, increase in floor area of an existing structure or a structure, being moved, an on-site inspection prior to issuance of permit shall be required.

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- 6.2.7
- a. All new one or two family dwellings, their accessory buildings, renovations or additions on existing structures shall be built in compliance with the ~~2009~~ International Residential Code (IRC), as adopted by the State of Maine including all amendments.
  - b. All new multi-family dwellings, commercial structures, their accessory buildings, and any renovations or additions on existing structures shall be built in compliance with the 2009 International Building Code (IBC), as adopted by the State of Maine including all amendments.
  - c. All applicable construction shall meet the ~~2009~~ International Energy Conservation Code (IECC) to regulate the design and construction of all buildings for the effective use of energy, as adopted by the State of Maine including all amendments.