

VII. Appendices

Appendix 1 – Development Restrictions

DEVELOPMENT RESTRICTIONS FOR AREAS A - G

The following restrictions shall apply to all structures and uses on lots within land proposed for development (Areas A-G), as illustrated on Map 6.

All references to the Commission's Rules and Standards herein shall mean those rules and standards in effect as of the date of approval of the Concept Plan, copies of which are attached hereto as Appendices 2 - 15.

A. Restrictions for All Development Areas

1. No building or other construction may be undertaken on any lot without first obtaining an approved permit from the Maine Land Use Regulation Commission.
2. All structures and uses must meet the land use standards outlined in Appendices 2-15, including the dimensional and setback requirements outlined in Appendix 9, herein, and the clearing of vegetation requirements outlined in Appendix 3, herein.
3. All work that disturbs the natural soil conditions shall use current erosion control measures in accordance with LURC's Guidelines for Vegetative Stabilization (Appendix 15) and Maine's Erosion and Sediment Control Handbook for Construction: Best Management Practices (Department of Environmental Protection, March 1991).
4. Building height within 500 feet of Brassua Lake or Baker Pond shall be no higher than the screening vegetation or 25 feet, whichever is greater. Notwithstanding the dimensional requirements of Appendix 9, building height greater than 500 feet from Brassua Lake or Baker Pond shall be no higher than 40 feet.
5. Exterior lighting on the lakeside of the structure shall be limited to 100 watts in aggregate, screened from lake view and directed towards the ground and/or the structure.
6. Buried utilities are allowed on the lot to provide service. Overhead utilities are allowed between structures on the lot.
7. Subsurface wastewater disposal systems are permitted, pursuant to approved septic design and soil suitability in accordance with the State of Maine Plumbing Code. If an outhouse (privy) is utilized, it must be located behind the camp, at least 100 feet away from the normal high water mark of the shoreline, and screened from view from the shoreline.

8. Wells are permitted, in accordance with the State of Maine Plumbing Code. However, Brassua Lake water shall only be procured by hand carry or by hand pump.
9. If generators are used, some form of noise protection must be employed, including but not limited, to enclosure of the generator in a shed. All generators must be equipped with spark arrestor units. The noise levels produced by generator use shall be no more than 60 dba (decibels) measured 50 feet away from the source.
10. The property lines shall be kept free and open. No fences, hedges, or walls shall be allowed thereon.

B. Additional Restrictions for Area A

1. Lots within Area A may only be used for single-family residential dwellings. Only one residential dwelling is allowed per lot. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lots cannot be further subdivided.
2. The total building footprint for the principal structure on each lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Area A shall have 3000 feet of shorefront encompassing approximately 40 acres in “Common Open Green Space”. The “Common Open Green Spaces” are to remain in a natural undeveloped state in perpetuity; docks (permanent or temporary), structures, and lighting are prohibited.
5. No trailered ramps are to be constructed on individual lots within Area A.
6. Each lot owner within Area A shall belong to the Poplar Hill Lot Owners Association. The purpose of the Poplar Hill Lot Owners Association is to govern the uses specified in the lot owners’ association rules and bylaws that include the ability to enforce any and all covenants, to fix assessments or common charges for maintenance and normal repair of the loop, spur and access road, to maintain and pay taxes of the “common open green areas”, and to pay for the removal of refuse from the transfer site at Area B.
7. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
8. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
9. Signs permitted on the lot include one “for sale” sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12” x 24” (2 sq. ft.) in size.

C. Additional Restrictions for Area B

1. Allowed uses on Shorefront Lot:

- a. Allowed uses are limited to one attendant's cabin, a boat ramp, and parking area. The attendant's cabin and lot shall not be conveyed as a private residence. The lot may not be further subdivided. The Area B shorefront lot may not be conveyed separately from the Area B interior lot.
- b. Notwithstanding the requirements set forth in Appendix 2, buildings shall be set back at least 150 feet from the normal high water mark, 20 feet from side lot line, and 100 feet from the access road.
- c. The total building footprint for the attendant's cabin is limited to no more than 1,200 square feet.
- d. Two (2) accessory structures are allowed limited to a maximum of 600 square feet of footprint in aggregate.
- e. A private boat ramp shall be constructed in accordance with Appendix 10.
- f. Boat ramp lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
- g. Signs permitted on the lot include "recreational" signs and signs identifying an attendant's dwelling. No sign shall exceed 24" x 24" (4 sq. ft.) in size. Recreational signs shall be those typically located at boat ramp facilities, such as boat ramp sign, parking signs, no swimming sign, limitation of use sign, hours of operation sign, and seasons of operation sign. No commercial signs are allowed on the lot.
- h. Notwithstanding the clearing standards of Appendix 3, cleared openings for the entire lot shall not exceed 20,000 square feet.

2. Allowed uses on Interior Lot:

- a. "Area B" above the access road may only be used to support activities of Area A. An equipment rental office, 4 equipment storage buildings, and a rubbish transfer station are allowed. No residential development is allowed in "Area B". The rental activities allowed include the management of the properties within Area A and the rental of canoes, kayaks, bicycles, and cross-country skis. The transfer station is for use by residents of Area A. The lot may not be further subdivided. The Area B interior lot may not be conveyed separately from the Area B shorefront lot.

- b. Notwithstanding the requirements set forth in Appendix 2, buildings shall be set back at least 500 feet from the normal high water mark, 25 feet from side lot line, and 75 feet from the access road.
- c. The total building footprint for the rental office is limited to no more than 1,200 square feet.
- d. The total building footprint for the storage buildings is limited to 8,000 square feet in aggregate. A total of four (4) storage buildings are allowed.
- e. The transfer station shall consist of a concrete pad and dumpsters, and shall be screened from access road view.
- f. Signs permitted on the lot include “recreational” signs and signs identifying a rental office. No sign shall exceed 24” x 24” (4 sq. ft.) in size. Recreational signs shall be those typically located at rental offices, such as parking signs, hours of operation sign, informational signs about the Lake Concept Plan Area, and seasons of operation sign. One 100 watt illuminated commercial informational sign, 24” x 24”(4 sq. ft.), will be allowed at the entrance of the rental office access road.
- g. Notwithstanding the clearing standards of Appendix 3, cleared openings of vegetation shall not exceed 40,000 square feet in aggregate.

D. Additional Restrictions for Area C

- 1. Area C may be used for one (1) manager’s cabin, and one (1) sporting lodge with ten (10) rental cabins and private boat launch. One outpost cabin may be placed on one of the three islands associated with Area C. No additional development is allowed on the islands, except that structures associated with primitive recreation are permitted. The lot may not be further subdivided. The manager’s cabin, sporting lodge, outpost cabin or any rental cabins may not be conveyed separately.
- 2. Notwithstanding the requirements set forth in Appendix 2, the manager’s cabin shall be set back at least 150 feet from the normal high water mark, 15 feet from side lot line, and 50 feet from the access road. The sporting lodge, outpost cabin and rental cabins shall be set back at least 150 feet from the normal high water mark, 25 feet from side lot line, and 75 feet from the access road.
- 3. The total building footprint for the manager’s cabin is limited to 2,000 square feet. The total building footprint for the sporting lodge, outpost camp and rental cabins is limited to 8,000 square feet in aggregate.
- 4. Two (2) accessory structures associated with the manager’s cabin are allowed, limited to a maximum of 800 square feet of footprint in aggregate. Two (2) accessory structures associated with the sporting lodge are allowed limited to a maximum of 800 square feet of footprint in aggregate.
- 5. Rental Cabin footprints are limited to 800 square feet each.

6. Notwithstanding the building height requirements set forth in Appendix 2, the rental cabin building height is limited to 25 feet.
7. Signs permitted on the lot include “recreational” signs and “informational” signs. No sign shall exceed 24” x 24” (4 sq. ft.) in size. Recreational signs shall be those typically located at recreational facilities, such as parking signs, hours of operation sign, seasons of operation, cabin names, directional signs, informational signs about the sporting lodge and about the Lake Concept Plan Area. One 100 watt illuminated commercial informational sign, 24” x 24” (4 sq. ft.), will be allowed at the entrance of the access road.
8. Clearing of vegetation associated with the sporting lodge shall be in accordance with Appendix 3 and not exceed 10,000 square feet in aggregate within 250’ of the normal high water mark. Clearing of vegetation associated with each sporting lodge cabin shall be in accordance with Appendix 3 and not exceed 5,000 square feet in aggregate within 250’ of the normal high water mark.

E. Additional Restrictions for Area D

1. Area D is associated with The Birches and shall not be conveyed separately. Only one residential dwelling is allowed.
2. The total building footprint for the principal structure on the lot is limited to no more than 1,200 square feet.
3. Two (2) accessory structures are allowed on the lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Signs permitted on the lot include one “for sale” sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12” x 24” (2 sq. ft.) in size.

F. Additional Restrictions for Area E

1. Area E may only be used for a single-family residential dwelling. Only one residential dwelling is allowed. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lot cannot be further subdivided.
2. The total building footprint for the principal structure on the lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed on the lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.

4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Signs permitted on the lot include one “for sale” sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12” x 24” (2 sq. ft.) in size.

G. Additional Restrictions for Area F

1. The lot may only be used for single-family residential dwellings. Two residential dwellings are allowed. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lot cannot be further subdivided.
2. The total building footprint for each principal structure is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per dwelling. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate for each dwelling.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed for each dwelling. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
6. Signs permitted on the lot include one “for sale” sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12” x 24” (2 sq. ft.) in size.

H. Additional Restrictions for Area G

1. The lot can be subdivided into five parcels. Four parcels may only be used for single-family residential dwellings. The remaining lot is to be retained by the applicant. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The four parcels cannot be further subdivided.
2. The total building footprint for the principal structure on each lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.

5. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
6. Signs permitted on the lot include one “for sale” sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12” x 24” (2 sq. ft.) in size.

RESTRICTION FOR THE TRAIL AND CABIN SYSTEM, PROTECTED ISLANDS, UTILITIES, AND ROADS

The following restrictions shall apply to structures and uses on lots outside of land proposed for development, as illustrated on Map 6.

All references to the Commission's Rules and Standards herein shall mean those rules and standards in effect as of the date of approval of the Concept Plan, copies of which are attached hereto as Appendices 2 - 15.

I. Restrictions for the Trail and Cabin System

1. All work that disturbs the natural soil conditions shall use current erosion control measures in accordance with LURC’s Guidelines for Vegetative Stabilization (Appendix 15) and Maine’s Erosion and Sediment Control Handbook for Construction: Best Management Practices (Department of Environmental Protection, March 1991).
2. The trail system width shall be limited to a 14-foot wide corridor with low vegetation.
3. A trail (walking path) shall be allowed within the 14-foot corridor.
4. Vehicle traffic on the trail system within the permanent conservation area is limited to and for direct support of trail maintenance, and may include the following equipment: trail grooming machinery (12 feet wide), forest management equipment, and emergency vehicles.
5. A total of nine (9) structures are allowed along the trail system. Six (6) structures are allowed in the permanent conservation area. Two (2) structures are allowed on Poplar Hill.
6. Notwithstanding the requirements of Appendix 9, herein, all structures shall be set back at least 250 feet from the normal high water mark, except that structures on Poplar Hill and Brassua Lake’s western peninsula shall be set back at least 500 feet from the normal high water mark and screened from view.
7. Notwithstanding the clearing standards of Appendix 3, clearing of vegetation associated with each cabin shall not exceed 4,000 square feet in aggregate.

8. The total building footprint is limited to 400 square feet for each cabin.
9. Notwithstanding the dimensional requirements of Appendix 9, building height is limited to 25 feet.

J. Restrictions for Development on the Protected Islands

1. No development is allowed on any islands placed in permanent conservation, except that structures associated with primitive campsites are permitted in accordance with the terms of the conservation easement.
2. No development is allowed on any islands placed in the 20-year conservation area during the term of this Lake Concept Plan, except that structures associated with primitive campsites are permitted.

K. Restrictions for Road Projects

1. Access Road and Public Hand Carry Boat Launch Road
 - a. The landowner is responsible for upgrading the road in accordance with the road construction standards of Appendix 5. The maintenance and normal repair of the Access Road is the responsibility of the Poplar Hill Lot Owner's Association. The maintenance and normal repair of the Public Boat Launch Road is the responsibility of the landowner.
2. Loop Road and Spur Road
 - a. The landowner is responsible for upgrading the road to provide access to the lots in Area A. The maintenance and normal repair of the Loop Road and Spur Road is the responsibility of Poplar Hill Lot Owner's Association.
 - b. The loop road shall be upgraded in accordance with the road construction standards of Appendix 5 and the State Soil Scientist recommendations, below:

The road width shall be 14 feet wide and have 2:1 H/V slopes of flatter. Cross slope grade shall be a uniform 3-5% slope to allow drainage to the down hill side. The road shall be constructed in a layer system that includes laying geotextile fabric directly on the old road, followed by a layer of 12 inch MDOT Class B (4" minus) aggregate, and then a final layer of 6 inch MDOT Class A (2" minus) aggregate. In wet areas and wetland areas an additional layer of geotextile fabric shall be used between the 12 inch and 6 inch layer. Ditches shall be minimized and existing ditches may require stone or geotextile fabric to reduce erosion and promote vegetation growth. Existing drainage structures will need to be evaluated for size and condition. Stoned lined ditch turnouts will be placed so that water will run through a buffer area prior to entering the lake.
 - c. The loop road may be developed in phases to match the development phases of Area A.

- d. Traffic movement around the loop road will be at a posted speed limit. Traffic turnouts will be placed on the uphill side of the loop road. The location of the turnouts will be spaced such as the use of the clearings produced from previous logging operations might be used.

3. Individual Lot Roads

- a. Road maintenance and normal repair of individual lot roads (within Areas D, E, F, and G) shall be the responsibility of the lot owner(s).

L. Restrictions for Utility Lines

1. Underground utility lines shall be allowed to all areas proposed for development, utilizing existing and proposed roadway corridors where practicable. When possible utility lines shall be placed along the shared drives to each residential dwelling.
2. Overhead utility lines are allowed only to connect a structure to another structure on the same lot.

DEED COVENANTS

The development restrictions outlined in Appendix 1, above, shall be included as deed covenants for lots within land proposed for development (Areas A-G), as appropriate. In addition, the following deed covenants shall apply to all lots within land proposed for development and all cabins within the trail and cabin system:

M. Deed Covenants

1. The exterior of the main building or an accessory structure are to be finished within one year from start of construction.
2. All buildings and lots shall be maintained in a neat and attractive manner, and in good repair.
3. All chimneys must be of brick, stone, tile construction, or stovepipe installed and maintained under the applicable building fire codes.
4. All exterior roofing material must be made of non-combustible material and be a dark, natural looking color: Dark Green, black, brown, and charcoal gray are preferred.
5. All exterior materials, including window frames, trims, chimneys and screen doors are to be unobtrusive in color and texture, shall be a dark color, and shall be non-reflective.
6. All buildings must have traditional exteriors. Appearances should blend with the surroundings, i.e. wood siding (shingles, log siding, logs), and if painted only “earth tones”.

7. No mobile homes are allowed.
8. Trash, garbage, or other waste shall be kept in sanitary containers, and the site shall not be used as a dumping ground for waste disposal. All trash, garbage, or other waste shall be removed at the end of each period of use or more often, if necessary, and transported to Area B's transfer station. Area C, Area D, and Area E shall transport waste to Rockwood Transfer Station. The following are not permitted: Outside storage or placement of machines or equipment, which are not in useable condition; and metal, vinyl or plastic siding for structures.

B. Land Use Standards

Appendix 2

§10.13-B CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS

1. Approval Criteria: In approving applications submitted to it pursuant to 12 M.R.S.A. § 685-A(10) and § 685-B, the commission may impose such reasonable terms and conditions as the commission may deem appropriate in order to satisfy the criteria of approval and purpose set forth in these statutes, rules and the Comprehensive Land Use Plan.

“The commission shall approve no application, unless:

- A. Adequate technical and financial provision has been made for complying with the requirements of the State’s air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 490, and the natural resource protection laws, Title 38, sections 480-A to 480-Z, and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies; and
- B. Adequate provision has been made for loading, parking and circulation of and, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods, and
- C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal, and
- D. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site; and
- E. The proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto.
- F. In the case of an application for a structure upon any lot in a subdivision, that the subdivision has received the approval of the commission.

The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public’s health, safety and general welfare will be adequately protected. The commission shall permit the applicant to provide evidence on the economic

benefits of the proposal as well as the impact of the proposal on energy resources.” 12 M.R.S.A. § 685-A(4).

In addition, the applicant must demonstrate “evidence of sufficient right, title or interest in all of the property that is proposed for development or use.” 12 M.R.S.A., §685-B(2)(D)

2. **Review Standards for Structures Adjacent to Lakes:** The standards set forth below must be met for all subdivisions and commercial, industrial, and other non-residential structures and uses proposed on land adjacent to lakes in order for the proposal to satisfy the criterion set forth in Section 10.13-B,1,C above:

- a. **Natural and cultural resource values:** The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment (Appendix C of this chapter).
- b. **Water quality:** The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;
- c. **Traditional uses:** The proposal will not have an undue adverse impact on traditional uses, including without limitation, non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture;
- d. **Regional diversity:** The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;
- e. **Natural character:** Adequate provision has been made to maintain the natural character of shoreland;
- f. **Lake management goals:** The proposal is consistent with the management intent of the affected lake’s classification; and
- g. **Landowner equity:** Where future development on a lake may be limited for water quality or other reasons, proposed development on each landownership does not exceed its proportionate share of total allowable development.

In applying these criteria, the Commission shall consider all relevant information available including the Maine Wildlands Lake Assessment Findings (Appendix C of this chapter), and relevant provisions of the Comprehensive Land Use Plan.

Appendix 3

§10.17.A.2 CLEARING

The following shall apply to vegetation clearing for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, public trailered ramps or hand-carry launches:

- a. A vegetative buffer strip shall be retained within:

50 feet of the right-of-way or similar boundary of any public roadway,

75 feet of the normal high water mark of any standing body of water less than 10 acres in size, or any tidal water or flowing waters draining less than 50 square miles, and

100 feet of the normal high water mark of a standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.

- b. Within this buffer strip, vegetation shall be maintained as follows:

- (1) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
- (2) Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 12 or more in a 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees and other vegetation” shall be defined as maintaining a rating score of 8 or more per 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	<u>Points</u>
2 - 4 in.	1
> 4 - 12 in.	2
> 12 in.	4

NOTE: As an example, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21 - 12 = 9) may be removed from the plot provided that no cleared openings are created and all other requirements of this rule and other laws are followed.

The following shall govern in applying this rating system:

- (a) The 25-foot x 25-foot plots shall be established where the landowner or lessee proposes clearing within the required buffer;
 - (b) Each successive plot shall be adjacent to but not overlap a previous plot;
 - (c) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
 - (d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules.
- (3) In addition to subsection (2) above, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.
- (4) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
- (5) Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
- (6) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 sq. ft., these openings shall be established with native tree species.
- c. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a standing body of water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all standing bodies of water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
- d. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing or standing body of water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

Appendix 4

§10.17.A.3 MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities shall apply in all subdistricts except as otherwise hereinafter provided:

- a. Mineral Exploration: The following requirements shall apply to mineral exploration activities:
- (1) All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
 - (2) Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of a flowing, standing, tidal body of water, or wetland identified as a P-WL1 Subdistrict:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

The provisions of this subsection (2) apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this subsection do not apply where access ways cross such waters;

- (3) Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by P-SL2 Protection Subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.17, A, 4, b and e, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged;

- (4) Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream;
 - (5) In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.
- b. Mineral Extraction: The following requirements shall apply to mineral extraction activities in all subdistricts:
- (1) A vegetative buffer strip shall be retained between the ground area disturbed by the extraction activity and:
 - (a) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, any flowing water draining less than 50 square miles, tidal body of water, or wetland identified as a P-WL1 Subdistrict, and
 - (b) 100 feet of the normal high water mark of any standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.
 - (2) No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property;
 - (3) Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

Any such control device shall be deemed part of the extraction area for the purposes of Subsection (1), above;
 - (4) A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
 - (5) If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

Appendix 5

§10.17.A.4 ROADS AND WATER CROSSINGS

The following road and water crossing requirements shall apply to such activities in P-WL1, P-WL2, P-SL, P-FP, P-GP Protection and all Development Subdistricts:

- a. The following requirements shall apply to construction and maintenance of roads:
 - (1) All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing, standing or tidal body of water or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
 - (2) Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
 - (3) Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
 - (4) In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

This requirement shall not apply to road approaches to water crossings or wetlands.

- (5) Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in subsection (4) above, between the outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used

to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;

- (6) Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
 - (a) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
 - (b) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
 - (c) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in paragraph (4) and (5) above;
 - (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; and
 - (e) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

<u>Road Grade</u> <u>Percent</u>	<u>Spacing</u> <u>Feet</u>
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

- b. The following requirements shall apply to water crossings when surface waters are unfrozen:
 - (1) Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the stream channel.

(2) Culvert and bridge sizes may be smaller than provided in paragraph (1) if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:

(a) removing culverts prior to the onset of frozen ground conditions;

(b) using water bars in conjunction with culverts; or

(c) using road dips in conjunction with culverts.

(3) Culverts utilized in water crossings shall:

(a) be installed at or below stream bed elevation;

(b) be seated on firm ground;

(c) have soil compacted at least halfway up the side of the culvert;

(d) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and

(e) have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.

- c. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- (1) Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness:

- (a) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.
 - (i) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet;
 - (ii) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
 - (iii) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
 - (b) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
- (2) Road construction on soils with organic layers in excess of 4 feet in thickness:
- (a) Such construction shall only take place under frozen ground conditions.
 - (b) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
 - (c) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
 - (i) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from

adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or

- (ii) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.

d. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

e. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

(1) Water bars shall

(a) be constructed and maintained across the road at intervals established below:

Road Grade Percent	Distance Between Water Bars Feet
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

(b) be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;

(c) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and

(d) extend sufficient distance beyond the traveled way so that water does not reenter the road surface.

(2) Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:

- (a) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 - (b) it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the stream channel; or
 - (c) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.
- f. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in paragraphs b and e of this Section:
- a. The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55
 - b. The United States Geological Survey (USGS) Methods; specifically: U.S. Geological Survey. 1975. "A Technique for Estimating the Magnitude and Frequency of Floods in Maine." Open- file Report 75-292.
- g. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of this Section, are subject to the provisions of Section 10.11 of this chapter.
- h. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
- i. Except that subsection j below always applies, trail crossings of minor flowing waters shall be exempt from the standards of this section, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.

Trail crossings not so exempted shall be subject to the water crossing standards of this section, including specifically subsections 10.17, A, 4, b, d, e, f, j and k.

- j. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
- k. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in subsection (i) above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Section 10.20 of this chapter and shall state the manner in which the water crossing size requirements of this section will be satisfied.

Appendix 6

§10.17.A.5 TIMBER HARVESTING

The following requirements apply to timber harvesting within all Development and Protection Subdistricts except as otherwise hereinafter provided:

- a. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by a P-SL1 Protection Subdistrict except to cross such channels with a culvert or bridge according to the water crossing requirements of Section 10.17, A, 4, b and e;
- b. Timber harvesting operations in P-SL1 and P-GP Protection Subdistricts shall be conducted in the following manner:
 - (1) Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.
 - (2) At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.
 - (3) Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4 1/2 feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
 - (4) No accumulation of slash shall be left within 50 ft. of the normal high water mark of surface water protected by the P-SL1 and P-GP Protection Subdistricts. In such subdistricts, at distances greater than 50 ft. from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 ft. above the ground.

- c. Except as provided in subsection g of this section, 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 filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

The provisions of this subsection c apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this subsection c do not apply where skid roads cross such waters;

- d. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of standing or tidal waters, or below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more;
- e. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by P-SL2 Protection Subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.17, A, 4, b and e, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of this subsection e may be modified according to the provisions of subsection g of this section;
- f. Except as provided in subsection g of this section, skid trail and skid road approaches to stream channels shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;
- g. Timber harvesting operations in P-SL2 Protection Subdistricts along stream channels upstream from the point where they drain 300 acres or less, and in P-WL Protection Subdistricts adjacent to such P-SL2 Protection Subdistricts, may be conducted in a manner not in conformity with the requirements of the foregoing subsections c, e, and f provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such stream channel drains 1 square mile or more. Jackson Turbidity Units

are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;

- h. Harvesting operations in P-SL2 Protection Subdistricts along stream channels downstream from the point where they drain 300 acres or more and along standing bodies of water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;
- i. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of Section 10.20 of this chapter and shall state whether or not such operations will be conducted according to the provisions of subsection g of this section; and
- j. In addition to the foregoing minimum requirements, except as provided for in subsection g, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.

Appendix 7

§10.17.A.6 FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein. The purpose of this section is to allow minor filling and/or grading of land without a permit, provided the performance standards set forth below are met. If the standards are not met, a permit is required.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

- a. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
- b. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN General Management Subdistricts which are greater than 250 feet from water bodies and wetlands. In such General Management Subdistrict areas, the provisions of subsections d and f of this section shall apply; and
- c. Clearing of areas to be filled or graded is subject to the Clearing Standards of Section 10.17, A, 2; and
- d. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
- e. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of flowing, standing, tidal bodies of water, or upland edge of wetlands identified as P-WL1 Subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
10 or less	100
20	130
30	170
40	210
50	250
60	290
70	330

- f. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.

Appendix 8

§10.17.A.8 DRIVEWAYS ASSOCIATED WITH RESIDENTIAL STRUCTURES AND USES

- a. Applicability: The following requirements apply to the construction of driveways for single family and two family dwelling units in all subdistricts where driveways associated with residential uses are allowed without a permit. These standards may be used as guidance in processing an application for driveways to be located in those subdistricts where driveways require a permit from the Commission.
 - (1) Other Permits: If a permit has been issued for the development of the lot to be served by the driveway or if the lot is part of a subdivision for which a permit has been issued, conditions of the building permit or subdivision permit regarding construction of driveways supersede provisions of this subsection.
 - (2) Length: If the length of a proposed driveway is greater than 1000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.
- b. Waterbody Setback:
 - (1) Minimum Setback: The minimum water body setback for a driveway which accesses an undeveloped lot or a lot having residential structures is:
 - (a) 100 feet from the nearest shoreline of a flowing water draining 50 square miles, and a body of standing water greater than 10 acres in size;
 - (b) 75 feet from the nearest shoreline of a tidal water; and
 - (c) 50 feet from the upland edge of minor flowing waters and mapped P-WL1 wetlands.
 - (2) Exceptions to Waterbody and Wetland Setback Requirements:
 - (a) The water body and wetland setback requirements do not apply to approaches to waterbody or wetland crossings.
 - (b) A lesser setback may be allowed with a permit in the following instances provided no other reasonable alternative exists and appropriate techniques are used as needed to prevent sedimentation of the waterbody:
 - (i) In the case of legally existing nonconforming structures located in the shoreland area, the driveway may extend to the portion of the principal structure farthest from the normal high water mark of the waterbody, but in no case closer than 50 feet from the normal high water mark of the waterbody; or
 - (ii) To allow access to permitted facilities located nearer to the shoreline due to an operational necessity as described in Section 10.17,B,1,g,(5).

- c. Property Line Setback:
 - (1) Minimum Setback: The minimum property line setback for a driveway is 15 feet.
 - (2) Exceptions to Property Line Setback:
 - (a) A shared driveway need not meet the minimum setback.
 - (b) The minimum setback standard does not apply to authorized approaches to and crossings of property lines or to crossings along easements or rights of way established in deed or lease.
 - (c) A lesser setback may be allowed with a permit upon written permission of the abutting landowner.
- d. Road Frontage: The lot to be served by the driveway must have a minimum of 100 feet of road frontage.
- e. Entry onto Roadways, including State Highways: The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation.
- f. Crossings of Flowing Waters: If a driveway will cross a flowing water, the crossing must be accomplished in accordance with the standards for installation of water crossings set forth in Section 10.17,A,4,b.
- g. Wetlands Alteration: The driveway must not alter any portion of a mapped P-WL1 Wetland Protection Subdistrict or more than 4,300 square feet of a mapped P-WL2 or P-WL3 Wetland Protection Subdistrict without a permit.
- h. Maximum Slope: The driveway must not have a sustained slope of more than 8%.
- i. Erosion and Sedimentation Control:
 - (1) The driveway must be located, designed and constructed so that:
 - (a) It will not erode or create any undue restriction or disruption of existing surface water drainage ways;
 - (b) It will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway.
 - (2) Except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.
- j. Fill Material: Fill material used in the construction of a driveway must not contain demolition debris, trash, rubbish, or hazardous or toxic materials.

Appendix 9

§10.17.B.1 DIMENSIONAL REQUIREMENTS

The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by subsection g:

a. Minimum Lot Size

(1) Residential Uses

The minimum lot size for residential uses is 40,000 square feet per dwelling unit except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit.

(2) Commercial, industrial, and other nonresidential uses

The minimum lot size for commercial, industrial, and other nonresidential uses involving one or more buildings is 40,000 square feet.

b. Minimum Shoreline Frontage

(1) For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:

(a) 150 feet per dwelling unit for residential uses, and

(b) 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;

(2) For lots fronting on a body of flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:

(a) 200 feet per dwelling unit for residential uses, and

(b) 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.

(3) In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.

(4) Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.

(5) The shoreline frontage may be waived to no less than 200 feet for public boat launches where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

c. Minimum Road Frontage

- (1) The minimum road frontage shall be:
 - (a) 100 feet per dwelling unit for residential uses, and
 - (b) 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;
- (2) These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
- (3) Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
- (4) Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
- (5) In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.

d. Minimum Setbacks

- (1) The minimum setbacks for structures, other than those described in Subsection 10.17,B,1,d,(2) and except as provided in Subsection 10.17,B,1,g are:
 - (a) 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 Protection Subdistricts;
 - (b) 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - (c) 50 feet from the traveled portion of all roadways except as provided for in subsection (d) and (e) or subsection (5) below;
 - (d) 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in subsection (5); and
 - (e) 20 feet from the traveled portion of all roadways on coastal islands; and
 - (f) 15 feet from side and rear property lines.

These setbacks also apply to parking areas for trailered ramps or hand-carry launches and those structures within a sporting camp complex constructed solely for the housing of guests.

- (2) The minimum setbacks for multi-family dwellings and commercial, industrial, and other nonresidential principal and accessory structures are:

- (a) 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 Protection Subdistricts;
- (b) 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
- (c) 75 feet from the traveled portion of the nearest roadway except as provided for in (d) below;
- (d) 20 feet from the traveled portion of all roadways on coastal islands; and
- (e) 25 feet from the side and rear property lines.

Except as provided for in subsection d.(1) above, these setbacks also apply to all other structures within a sporting camp complex, including, but not limited to, a main lodge, dining area, workshop and parking area.

- (3) These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
- (4) Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines. Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

e. Maximum Lot Coverage

- (1) The maximum lot coverage shall be 30% for all uses involving one or more buildings.
- (2) "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including paved driveways, sidewalks, parking lots and other impervious surfaces.

f. Maximum Building Height

- (1) Except as provided for in (2) below, the maximum building height shall be:
 - (a) **40 feet** for residential uses; and
 - (b) **40 feet** for commercial, industrial, and other non-residential uses involving one or more buildings.
- (2) **Structures within 500 feet of the normal high water mark of a standing body of water 10 acres or greater shall be no higher than the screening vegetation or 25 feet, whichever is greater.** The Commission may apply this provision at greater distances from the normal high water mark of standing bodies of water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Standing bodies of water having such scenic values are shown in Appendix C.
- (2) Features of buildings which contain no floor area such as chimneys, towers, ventilators and spires may exceed these maximum heights with the Commission's approval.

g. Exceptions to Dimensional Requirements

- (1) The Commission may reduce dimensional requirements for individual buildings in a cluster development, provided that, in the aggregate, dimensional requirements are met within the development. The Commission may approve a cluster development on land that could be developed under normal applicable standards provided that the cluster development provides for the efficient use of land and the protection of a significant amount of open space, in accordance with the following:
 - (a) Cluster development within the shoreland area shall provide for the protection of developable shorefront as open space through the creation of individual lots with reduced shore frontage or through clusters of dwellings on commonly-owned land. To the extent practicable, open space provided shall be in a contiguous block and shall be located adjacent to other areas protected by conservation measures or protective zoning.
 - (b) Open space shall be dedicated as a separate lot of record with no further subdivision or conversion of use of that lot allowed. Such lot shall be shown on the subdivision plat with a notation on the face thereof to indicate that no further subdivision or conversion of use is allowed.

- (c) If any or all of the common open space is to be reserved for ownership by the residents of the subdivision, the by-laws of the proposed homeowner's association shall specify maintenance responsibilities. Such by-laws shall be submitted to the Commission as part of the subdivision application.
 - (d) To avoid unsafe conditions resulting from direct access to public roads, no individual lot or dwelling unit for which road frontage has been reduced as provided above shall have vehicular access directly onto a public road existing at the time of development.
 - (e) Notwithstanding Section 10.17,B,1,g,(1) above, the Commission may waive the provision that dimensional requirements for individual dwellings in a cluster development be met, in the aggregate, where the following conditions are satisfied:
 - i) dimensional requirements, in the aggregate, are not waived by more than 50%;
 - ii) site conditions are suitable for increased density;
 - iii) increased density would not adversely affect resources; and
 - iv) the specific benefits afforded by the cluster approach will prevent the loss of important natural features.
- (2) The dimensional requirements applicable to D-PD Development Subdistricts shall be established by the Commission pursuant to the provisions of Section 10.14, C, provided that the shoreline setback requirements hereof shall not be reduced.
- (3) Notwithstanding other provisions of these rules, in a proposed subdivision or area that has or is likely to have relatively dense development, the Commission may increase the minimum lot size when the Commission determines that:
- (a) A larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and subsurface waste water disposal, including a replacement system; and
 - (b) The density of development in the vicinity of the proposed site is likely to cause nitrate or other contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.
- (4) Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, waste water disposal, and other aspects of the development to reasonably assure that undue adverse impact is avoided.

- (5) An exception may be made to the shoreline, road, and or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT Maritime Development Subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT Maritime Development Subdistrict.
- (6) An exception may be made to the minimum extent necessary to the shoreline frontage and lot size requirement on tidal waters for structures necessary for commercial fishing activities or water dependent uses within a D-MT Maritime Development Subdistrict where such reduction would better serve the purpose of this subdistrict.
- (7) Where development is proposed in the vicinity of a water quality limiting lake, the Commission may vary the applicable dimensional requirements in accordance with Section 10.16, D, 3, e.
- (8) To the extent consistent with 12 MRSA, Section 685-B, 4, the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
 - (a) the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
 - (b) the facility is sited and buffered to fit harmoniously into the surrounding environment.
- (9) The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.
- (10) Notwithstanding the provisions of Section 10.11 of this chapter, structures necessary for disabled persons to gain access to buildings may be located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
 - (a) A person with a disability as defined in 5 M.R.S.A. § 4553 resides in or regularly uses the dwelling or facility;
 - (b) The encroachment into the standard setback distance applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
 - (c) The access structure is necessary to create an accessible route;
 - (d) The access structure cannot reasonably or feasibly be created without encroachment into the standard setback distance; and
 - (e) The design of the access structure minimizes the need for encroachment into the standard setback distance.

SUMMARY OF SHORELINE
FRONTAGE, SETBACK AND CLEARING REQUIREMENTS
FOR SINGLE FAMILY DWELLINGS

	Tidal, Flowing water <50 sq mi Lakes <10 ac	Lake Mgmt Class 2	Flowing water >50 sq mi Other lakes >10 ac
FRONTAGE	150'	200' ^a	200'
SETBACK	75'	100' ^a	100'
CLEARING FOR DEVELOPMENT	75' (30%)	100' (30%) 400' (40%)	100' (30%) 150' (40%)

^a Density limitation of an average of 1 dwelling unit per shore mile on Management Class 2 lakes.

Note: This summary of shoreline dimensional requirements is provided only as a guide to the frontage, setback, and clearing standards of Section 10.17 for single family dwellings. See text of Section 10.17 for complete requirements.

Appendix 10

§10.17.B.6 TRAILERED RAMPS, HAND-CARRY LAUNCHES WATER-ACCESS WAYS AND PERMANENT DOCKING FACILITIES

Except as provided for in section d, trailered ramps, hand-carry launches, water-access ways and permanent docking facilities require a permit from the Commission. Where a permit is required, the proposal must meet the general Criteria for Approval, section 10.13-B, and the Criteria for Wetland Alterations, section 10.17, B, 7, in addition to any applicable requirements set forth in these rules.

a. Private Trailered Ramps, Hand-carry Launches, and Water-access Ways:

Private trailered ramps are allowed by special exception in the following subdistricts: General (D-GN) and Residential (D-RS) Development Subdistricts and Aquifer (P-AR), Floodplain (P-FP), Fish and Wildlife (P-FW), Great Pond (P-GP), Shoreland (P-SL), Unusual Area (P-UA), Wetland (P-WL) and Accessible Lake (P-AL) Protection Subdistricts.

Private hand-carry launches are allowed by special exception in the following subdistricts: Fish and Wildlife (P-FW), Recreation (P-RR), Significant Wetlands (P-WL1), River Transition (P-RT), and Accessible Lake (P-AL) Protection Subdistricts.

Private water-access ways are allowed by special exception in the following subdistricts: General (D-GN) and Residential (D-RS) Development Subdistricts and Aquifer (P-AR), Floodplain (P-FP), Fish and Wildlife (P-FW), Great Pond (P-GP), Recreation (P-RR), Shoreland (P-SL), Unusual Area (P-UA), Wetland (P-WL), River Transition (P-RT), and Accessible Lake (P-AL) Protection Subdistricts.

Wherever private trailered ramps, or hand-carry launches, or water access ways are allowed by special exception, the following apply:

For a proposed private trailered ramp, hand-carry launch or set of water-access ways, the following constitutes “an alternative site reasonably available” to the applicant:

- (1) an existing public or commercial trailered ramp or set of water-access ways if it has two or more associated parking spaces for motor vehicles with trailers and is located within 15 road miles or 5 miles by water of the applicant’s proposed development,
- (2) a proposed public or commercial trailered ramp or set of water-access ways located within 15 road miles or 5 miles by water of the applicant’s proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.

b. Facilities Associated with Shorefront Subdivisions

Shorefront subdivisions may be permitted no more than one trailered ramp, hand-carry launch or set of water-access ways, and one permanent dock. Any such facility must comply with section 10.17,B, 6,e, and must be accessible to all lots in the subdivision. The location of the facility must be identified on the subdivision plat and right of access must be covenanted in the deeds of all lots in the subdivision.

c. Maintenance of Trailered Ramps and Hand-carry Launches

Maintenance: Every application for a permit, or permit by special exception for a new or replacement trailered ramp or hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of section 10.17,B, 6,e, to minimize erosion, sedimentation, and transport of phosphorus into the waterbody.

d. Notification for Trailered Ramps and Hand-carry Launches

Public trailered ramps and public hand-carry launches are allowed without a permit within the shoreland zone of all waterbodies except those identified as Management Class 1, 2, and 6 Lakes.

The following notification provision applies to construction of new or replacement trailered ramps and hand-carry launches where such projects are allowed without a permit. If a proposed project fails to meet any notification requirement or other applicable rule, the project requires a permit.

(1) Every notification must be on a form provided by the Commission and must include:

- (a) a project design plan indicating all dimensions (width, height, length) relative to the normal high water mark including any associated structures that may be seasonal in nature;
 - (b) photographs of the area in which this activity is proposed, with a site map showing the location of the proposed project and the perspectives of the photographs submitted;
 - (c) documentation that application for a lease or easement to submerged lands has been filed with the Bureau of Parks and Lands and, if applicable, that the owner of the flowage rights has been contacted for permission; work on the project may not begin until a lease or easement is obtained or the Bureau of Parks and Lands has provided notification that one is not necessary, and, if applicable, that written permission has been obtained from the owner of the flowage rights;
 - (d) certification from the Department of Environmental Protection that all reasonably available measures have been taken to minimize phosphorus transport to the water body; and
 - (e) a statement that the project will be accomplished in conformance with the standards of section 10.17,B, 6; that the project shall be maintained so as to minimize erosion, sedimentation, and transport of phosphorus into the waterbody; and that the appropriate fishery biologist at either the Department of Inland Fisheries and Wildlife or the Department of Marine Resources has been contacted to determine the best timing of construction to minimize any potential impacts to fisheries;
- (2) At least 30 days before filing the notification with the Commission, the applicant shall inform the Commission of the intent to file, mail notice to the local board of selectmen/assessors, if applicable, and to all landowners/leasees within 1000 feet of the proposed project according to the records of Maine Revenue Services or the applicable plantation/municipality. At the time of notice, a draft notification form must be available for inspection. The notice must state how to obtain a copy of the draft notification, the anticipated date for filing of the notification with the Commission, and a statement that public comments on the notification may be submitted to the Commission. Unless this deadline is extended by the Commission,

any such comments must be submitted to the Commission by the anticipated date of the filing of the notification with the Commission.

- (3) The applicant may proceed with the proposed project 14 days after filing the notification with the Commission unless within this time period the Commission staff informs the applicant in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which section d and e are met or that there may be an undue adverse impact on existing uses or resources in the project area. If these issues cannot be resolved, the Commission will determine if there is sufficient public interest in the project to warrant consideration of a public hearing on the notification. If a hearing is held, the Commission may consider compliance with the applicable requirements of sections d and e and impacts on existing uses or resources in the project area. Within 60 days after the close of any public hearing, the Commission shall inform the applicant in writing of its determination. If the Commission determines that the requirements of sections d and e are met and that the project will not have an undue adverse impact on existing uses or resources in the project area, the notification will be accepted. If the notification is not accepted, the project will require a permit to proceed.

- (4) Expiration: A notification expires 2 years from the date of acceptance by the Commission.

e. Design and Construction Standards for Trailered Ramps and Hand-carry Launches

Unless otherwise indicated, the following standards apply to trailered ramps and hand-carry launches that are subject to the notification provisions in section 10.17,B, 6,d, and to all commercial or private trailered ramps and hand-carry launches.

- (1) Erosion Prevention and Control During Construction: Eroded soil or fill material from disturbed areas must be prevented from entering a waterbody. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with “Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices,” Cumberland County Soil and Water Conservation District and Maine Department of Environmental Protection, March 1991.
- (2) Avoidance of Waterbodies: No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the waterbody being accessed, identified as P-WL1 on the Commission’s zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other waterbody, except that an access roadway may cross a stream if requirements of Section 10.17,A, 4, pertaining to water crossings, are met.
- (3) Maintenance of Vegetated Buffer: Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the waterbody’s vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the waterbody. In the case of private trailered ramps, if the lot does not have a well established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the waterbody, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.

- (4) **Runoff Diversion:** Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the waterbody. For private facilities, the total land area above the normal high water mark that drains directly into the waterbody along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.
- (5) **Trailer Ramps**
- (a) A public trailer ramp having a slope in excess of 8% must be hard-surfaced except where the agency responsible for maintaining the facility anticipates a level of use that does not justify the expense of a hard surface facility. Should the level of use increase such that erosion problems become evident, the responsible agency shall insure that appropriate measures are taken to repair such erosion and avoid any further erosion.
 - (b) Private trailer ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms.
 - (c) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%;
 - (d) The width of the ramp lane must not exceed 20 feet for public or commercial trailer ramps, or 10 feet for private trailer ramps;
 - (e) The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve;
 - (f) Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode; and
 - (g) The total area disturbed in the construction of private facilities shall not exceed 1000 square feet within 50 feet of the normal high water mark.
- (6) **Associated Docking Systems:** For a public or commercial trailer ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, pre-cast concrete planks, panels or slabs to support docking systems.
- (7) **Hand-carry Launch:** A hand-carry launch must meet the following specifications:
- (a) The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;
 - (b) The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;
 - (c) The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff; and
 - (d) A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark.

- (e) Filled or cut slopes at or below the normal high water mark must be protected with riprap.

Within those subdistricts where hand-carry launches are allowed without a permit, the standards for hand-carry launches may be exceeded upon issuance of a permit.

- (8) Geoweb: Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the waterbody.
- (9) Concrete: Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
- (10) Washing: No washing of tools, forms, or similar material may occur in or adjacent to the waterbody or wetland.
- (11) Lumber: The use of untreated lumber is preferred. Wood treated with creosote or pentachlorophenol must not be used below the normal high water mark. Lumber pressure-treated with chromated copper arsenate (CCA) may be used, provided it is cured on dry land in such a manner as to expose all surfaces to the air for a period of at least 21 days prior to construction.
- (12) Machinery in Water: Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.
- (13) Debris: Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or waterbody. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.A. § 1301 et seq.

Dimensional requirements: The shoreline frontage requirement for public boat launches may be waived to no less than 200 feet provided the applicant demonstrates there will be no undue adverse impact to existing uses in the project area.

Appendix 11

§10.17.B.7 WETLAND ALTERATIONS

The following requirements apply to wetland alterations for Uses Requiring a Permit and Special Exceptions in Section 10.16, K, 3.

a. Procedural Requirements

(1) Transition

Wetland Protection (P-WL) Subdistricts identified on the Commission's Land Use Guidance Maps that were adopted prior to the adoption of this section will be regulated according to standards applying to wetlands of special significance (P-WL1 Subdistrict), as defined herein, until the Commission adopts amended Land Use Guidance Maps pursuant to this section, unless the applicant demonstrates, through delineation or other means acceptable to the Commission, that the P-WL is not a wetland of special significance.

(2) Area of Project Alteration

- (a) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- (b) If a proposed activity requires a permit and will alter 500 or more square feet of a P-WL1 wetland or 20,000 or more square feet of a P-WL2 or P-WL3 wetland, the Commission may require, as a condition of approval, mitigation, including compensation, as provided in the Commission's General Land Use Standards in Section 10.17, B, 7, b.
- (c) In determining the area of wetland alteration or overall land alteration, all components of a proposed activity, including all phases of a multiphased project, are treated together as constituting one single and complete project.

(3) Level of Permit Review

The level of permit review required depends upon the size of the proposed wetland alteration and the wetland subdistrict involved. If any part of the overall project requires a higher level of review, then the whole overall project will be reviewed under that higher tier, unless otherwise authorized by the Commission:

- (a) Tier 1 reviews are for projects altering 4,300 up to 15,000 sq. ft. of P-WL2 or P-WL3 wetlands.
- (b) Tier 2 reviews are for projects altering 15,000 up to 43,560 sq. ft. of P-WL2 or P-WL3 wetlands not containing critically imperiled (S1) or imperiled (S2) natural communities.
- (c) Tier 3 reviews are for projects altering any area of P-WL1 wetlands, 15,000 up to 43,560 square feet of P-WL2 or P-WL3 wetlands

containing critically imperiled (S1) or imperiled (S2) natural communities, or 43,560 sq. ft. or more of P-WL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources.

- (d) When wetland delineation is required, the level of permit review required will be determined by the type of wetland indicated through delineation.

b. General Land Use Standards

(1) Avoidance

- (a) Projects requiring Tier 1 review must avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project.
- (b) Projects requiring Tier 2 or Tier 3 review must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment. Each Tier 2 and Tier 3 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

(2) Minimal Alteration

Projects requiring Tier 1, Tier 2 or Tier 3 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.

(3) Water Quality

Projects requiring Tier 1, Tier 2 or Tier 3 review must comply with applicable water quality standards; i.e., the activity will not violate any state water quality law, including those governing the classification of the State's waters. Projects that would alter wetland hydrology and could also alter stream flows or other adjacent surface waters must comply with the water quality classification standards contained in 38 M.R.S.A. 465.

(4) Erosion Control

Projects requiring Tier 1 or Tier 2 review must use erosion control measures to prevent sedimentation of surface waters. A 25-foot buffer strip must be maintained between the activity and any surface waters.

(5) Compensation

Compensation is the off-setting of a lost wetland function with a function of equal or greater value. The goal of compensation is to achieve no net loss of wetland functions and values.

- (a) For projects requiring Tier 2 or Tier 3 review, the Commission may require compensation when it determines that a wetland alteration will cause a wetland function or functions to be lost or degraded as identified by an assessment of wetland functions and values in accordance with application requirements or by the Commission's evaluation of the project.
- (b) The Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.

(6) No Unreasonable Impact

The following standards apply only to applications requiring Tier 3 review:

- (a) Even if a project has no practicable alternative and the applicant has minimized the proposed alteration as much as possible, the application will be denied if the activity will have an unreasonable impact on the wetland. A project will be determined to have an "unreasonable impact" if the Commission makes one or more of the following findings:

- (i) Existing uses

- The activity will unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.

- (ii) Soil erosion

- The activity will cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

- (iii) Harm to habitats; fisheries

- The activity will unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater or marine fisheries or other aquatic life.

- In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity.

(iv) Interference with natural water flow

The activity will unreasonably interfere with the natural flow of any surface or subsurface water.

(v) Flooding

The activity will unreasonably cause or increase the flooding of the alteration area or adjacent properties.

(vi) Sand supply

If the activity is on or adjacent to a sand dune, it will unreasonably interfere with the natural supply or movement of sand within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system.

(vii) Outstanding river segments

If the proposed activity is a crossing of any outstanding river segment as identified in Section 10.16, G, the applicant cannot demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreational features of the river segment.

(viii) Dredging

If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant cannot demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable.

(ix) In determining if an activity will have an unreasonable impact, the Commission shall consider:

[a] The area of wetland that will be affected by the alteration and the degree to which the wetland is altered, including wetland beyond the physical boundaries of the project;

[b] The functions and values provided by the wetland;

[c] Any proposed compensation and the level of uncertainty regarding it; and

[d] Cumulative effects of frequent minor alterations on the wetland.

(b) Activities may not occur in, on or over any wetland of special significance containing threatened or endangered species unless the applicant demonstrates that:

(i) The wetland alteration will not disturb the threatened or endangered species; and

- (ii) The overall project will not affect the continued use or habitation of the site by the species.
- (c) When considering whether a single activity is reasonable in relation to the direct and cumulative impacts on the resource, the Commission shall consider factors such as the degree of harm or benefit to the resource; the frequency of similar impacts; the duration of the activity and ability of the resource to recover; the proximity of the activity to protected or highly developed areas; traditional uses; the ability of the activity to perform as intended; public health or safety concerns addressed by the activity; and the type and degree of benefit from the activity (public, commercial or personal)

Appendix 12

§10.17.B.3 SIGNS

a. On-Premise Signs

Subject to the provisions of this chapter, owners or occupants of real property may erect and maintain on-premise signs advertising the sale or lease thereof or activities being conducted thereon. Such signs, except roof signs, shall be subject to the regulations set forth below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

<u>Subdistricts</u>	<u>Maximum Size for Each Individual Sign (sq. ft.)</u>	<u>Maximum Aggregate Area of all Signs for Facility Being Advertised (sq. ft.)</u>
D-CI, D-GN, M-GN, M-HP	32	64
D-RS, M-NC & All Protection Subdistricts	8	16

- (2) On-premise signs shall not be located more than 1,000 ft. from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 sq. ft., except signs advertising a subdivision which shall be limited in size as provided by Subsection (1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 ft. above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs, including all roof signs, which are not in conformance with the preceding requirements may be allowed only under the provisions of a permit from the Commission.

b. Criteria for Sign Approval

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A., Section 685-B(4) as well as the following:

- (1) that the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- (2) that the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- (3) that the sign will not constitute a hazard to the flow of traffic; and
- (4) that the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.17, B, 3, a.

c. Exempt Signs

The following signs are exempt from the requirements of this chapter, except as indicated in Section 10.17, B, 3, d of this chapter:

- (1) Signs identifying stops or fare zone limits of common carriers;
- (2) Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- (3) Residential directional signs, each of which does not exceed 4 sq. ft. in area, along roadways other than limited access highways;
- (4) Traffic control signs or devices;
- (5) Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 sq. ft. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- (6) Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- (7) Memorial signs or tablets;
- (8) Signs erected by county fairs and expositions for a period not to exceed six weeks;

- (9) Directional signs visible from a public roadway with a total surface area not to exceed 4 sq. ft. providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- (10) Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- (11) Official business directional signs as defined and authorized by 23 M.R.S.A., Chapter 21.

The preceding dimensional and/or time limitations may be exceeded only under the provisions of a permit from the Commission.

d. Regulations Applying to All Signs

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained visible from a public roadway which:

- (1) Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- (2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- (3) Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- (4) Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- (5) Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- (6) Is in violation of, or at variance with, any other applicable State law or regulation;
- (7) Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- (8) Is not clean or in good repair; or
- (9) Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

Appendix 13

§10.20 NOTIFICATION FORMAT

Where a written notification is required by this chapter, such notification must be submitted in advance of the date on which the activity, which is the subject of the notification, is commenced. Except as provided in Section 10.17,B,6, such notification must state the:

- A. Location of the proposed project by use of an official Commission Land Use Guidance Map of the area;
- B. Nature of the proposed project; and
- C. Time period of the proposed project;

Such notification must also state that the activity or project will be accomplished in conformance with the applicable minimum standards of Section 10.17 of this chapter and must be signed by a duly authorized person who shall be responsible for the execution of the activity.

Appendix 14

§10.16 F. RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)

1. Purpose

The purpose of this subdistrict is to provide for the more efficient and effective management of single or multiple Protection Subdistricts (and in some cases adjoining Management Subdistricts) than can be realized through the use of other Protection Subdistricts and their related standards. Resource Plans for such areas that are consistent with the requirements of paragraphs 2 through 9 below may be submitted to the Commission for review, and upon approval, such areas shall be designated as P-RP Protection Subdistricts.

“Concept plans,” as outlined in the Comprehensive Land Use Plan, are included under the purpose of this subdistrict.

2. Description

P-RP Protection Subdistricts shall be designated in areas where the Commission has approved a Resource Plan that:

- a. Incorporates standards, which, taken as a whole, are at least as protective of the natural environment as those standards which would otherwise be applicable; and
- b. Establishes procedures that reduce the need for repetitious permit applications to the Commission; and
- c. Complies with the criteria established below for their review; and
- d. Has as its primary purpose the protection of those resources in need of protection or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection.

3. Permitted Uses

Unless the Commission otherwise provides in approving the Resource Plan, those uses that are specified in the approved Resource Plan shall be allowed without a permit. The Commission may approve the creation of a subdivision within the context of a Resource Plan approved by the Commission without the need for rezoning to a Development Subdistrict provided such subdivision is consistent with the purpose and intent of this subdistrict.

4. Ownership

Before the Commission shall consider an application, the applicant shall submit proof that he owns or leases the area for which the Resource Plan is proposed.

5. Application Procedures

All P-RP Protection Subdistrict applications shall include at least the following information:

- a. A statement of how the proposed Resource Plan conforms with the purpose of this subdistrict and what objectives will be achieved by the proposed redistricting;
- b. A copy of an existing district map on which the area of the proposed P-RP Protection Subdistrict is clearly shown;
- c. A description of the management procedures, conservation easements, covenants, agreements or other formalized procedures that the applicant proposes to use to replace the restrictions and regulations that currently apply. The description shall specify how the Resource Plan achieves equal or better protection of resources in the area than the subdistrict(s) which would otherwise apply;
- d. A copy of all those formal procedures and agreements that will ensure the continued protection of the resources; and
- e. A statement that specifies the expiration date (if any) of the proposed Resource Plan, and of the procedures the applicant may wish to use to extend the provisions thereof.

When the Resource Plan application involves structural development, it shall include, in addition to (a) through (e) above:

- f. Forms, plans, and exhibits as are required by the Commission;
- g. Evidence that the proposal will conform with 12 M.R.S.A., Section 685-B; and
- h. A covenant stating that no subdivision of the designated area will take place, except as approved by the Commission as part of an approved concept plan.

6. Criteria for Review

The Commission may approve a Resource Plan and any associated redistricting only if it finds that all of the following criteria are satisfied:

- a. The plan conforms with redistricting criteria;
- b. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;
- c. The plan conforms with the Commission's Comprehensive Land Use Plan;
- d. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of concept plans, this means that any development gained through any waiver of the adjacency criteria is matched by comparable conservation measure;
- e. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection;
- f. In the case of concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and

- g. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

7. Approval or Denial of Resource Plan

The Commission, after staff review and recommendation, shall approve or deny the redistricting application. If the Resource Plan proposal contemplates structural development, except as provided in Section 10.16, F, 3, the Commission may simultaneously with its approval of the P-RP Protection Subdistrict, grant, grant with conditions, or deny, applications for such permits as are required for structural development.

Upon approval of the Resource Plan, a P-RP Protection Subdistrict shall be designated on the official District Map and recorded in accordance with the provisions of Section 10.04 of this chapter.

8. Duration of Plan

The provisions of an approved and recorded Resource Plan shall apply for the duration of the approved time period, except that any conservation measures taken to strike a reasonable and publicly beneficial balance in a lake concept plan shall continue to apply to the extent that they are covered by legal contract, deeded covenants, permit requirements, or other legal instruments. The Resource Plan shall be for a minimum of 10 years and may be extended upon approval of the Commission and the applicant. The Resource Plan shall become invalidated if the provisions therein are not complied with.

At the termination of a plan, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning which is reasonably consistent with zoning of equivalent areas. Any variation from existing regulations or development occurring as a result of a resource plan cannot be used to justify a subsequent re-zoning, to meet adjacency requirements, or to otherwise change the zoning on property either within or outside the resource plan area upon its expiration.

In the event that a plan is terminated, all transactions initiated as a component of the plan, including without limitation, the granting of conservation easements or restrictive covenants on subdivided lands will continue to apply to the extent that they are covered by legal contract, deeded covenants, permit or other legal requirements.

9. Amendments

Proposed amendments to the Resource Plan shall be made in writing to the Commission. An amendment shall be granted provided it meets the criteria for review listed in Section 10.16,F,6 above. An increase in the size of a P-RP Protection Subdistrict may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.

Appendix 15

C. DEFINITIONS

The following definitions apply to the following terms as they appear in this Lake Concept Plan.

Accessory Use or Accessory Structure:

A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure." 12 M.R.S.A., § 682.

Aggregate Floor Area: *See* Combined Floor Area.

Aggregate Footprint: *See* Combined Footprint.

Alteration:

Dredging; bulldozing; removing or displacing soil, sand, vegetation or other materials; draining or dewatering; filling; or any construction, repair or alteration of any permanent structure.

On a case-by-case basis and as determined by the Commission, the term "alteration" may not include:

- a. An activity disturbing very little soil such as installing a fence post or planting shrubs by hand;
- b. The addition of a minor feature to an existing structure such as a bench or hand rail; and
- c. The construction, repair or alteration of a small structure with minimal impact such as a nesting box, pasture fence, or staff gauge.

Aquatic Vegetation:

Plants that usually grow on or below the surface of the water for most of the growing season in most years.

Boat ramp: *See* commercial trailered ramp, private trailered ramp, or trailered ramp.

Body of Standing Water:

A body of surface water that has no perceptible flow and is substantially permanent in nature. Such bodies of water are commonly referred to as man-made or natural lakes or ponds.

Building:

“Any structure having a roof or partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed.” 12 M.R.S.A. § 682. The Commission finds that a temporary camping tent constructed of fabric or similar materials is not considered a building.

Building Height: *See* Structure Height.

Bulk Sampling of Mineral Deposits:

The removal of samples of mineral deposits for the purpose of testing to determine the feasibility, method or manner of extraction and/or processing of minerals. Such testing may include metallurgical analyses, milling or grinding tests and/or pilot plant and processing tests. Methods of bulk sampling may include, but not be limited to drilling and boring, the digging of shafts and tunnels, or the digging of pits and trenches.

Campground:

Any area, other than a camp site, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter.

Campsite:

“A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. “Campsite” does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner’s recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission’s comprehensive land use plan.” 12 M.R.S.A § 682(15).

Capacity Expansions of Utility Facilities:

The addition of new telephone or electric wires or similar equipment to existing electric or telephone transmission and distribution poles for the purpose of increasing the capacity thereof.

Cluster Development:

A compact form of development that results in buildings being located in a group such that significant amount of open space is preserved.

Combined Floor Area:

The total floor area of all principal and accessory structures on a lot.

Combined Footprint:

The total footprint of all principal and accessory structures on a lot.

Combined Septic System:

A disposal system designed to dispose of waste and waste water on or under the surface of the earth that includes but is not limited to: septic tanks; disposal fields; or any other fixture, mechanism, or apparatus used for this purpose.

Commercial Fishing Activities:

Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.

Common Area:

Areas established within Area A of the Lake Concept Plan that have been set aside as open areas of wooded or green space owned in common with all lot owners in Area A.

Commercial Mineral Extraction:

Mineral extraction other than Mineral Extraction for Road Purposes.

Commercial Sporting Camp:

A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. § 682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than a transient lodging facility or a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and may typically consist of, but not necessarily include, all of the following: a number of cabins for the housing of guests including housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are considered a part of the commercial sporting camp. A resident, on-site attendant must be available on a full-time basis to meet the needs of guests. Such a facility shall have a total aggregate footprint no greater than 8,000 square feet for all principal buildings and rental cabins associated with the facility.

Commercial trailered ramp, hand-carry launch, or dock:

A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock.

Commercial Use:

The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or forest management activities where such activities are otherwise exempt from review.

Commission:

The Maine Land Use Regulation Commission.

Compatible Use:

A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.

Compensation:

Replacement of a lost or degraded wetland function with a function of equal or greater value.

Creation:

An activity bringing a wetland into existence at a site where it did not formerly occur.

Critically Imperiled Natural Community (S1):

An assemblage of plants, animals and their common environment that is extremely rare in Maine or vulnerable to extirpation from the state due to some aspect of its biology. An example of an S1 community that occurs in freshwater wetlands is the Outwash Plain Pondshore community.

Cross-Sectional Area:

The cross-sectional area of a stream channel shall be determined by multiplying the stream channel width by the average stream channel depth. The stream channel width is the straight-line distance from the normal high water mark of one side of the channel to such mark on the opposite side of the channel. The average stream channel depth shall be the average of the vertical distances from a straight line between the normal high water marks of the stream channel to the bottom of the channel.

Deer Wintering Areas:

Areas used by deer during winter for protection from deep snows, cold winds, and low temperatures.

Development:

Any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses which by the terms of this chapter do not require a permit.

Development Unit:

A single-family dwelling unit or nonresidential use containing a total of no more than 2,000 square feet of gross floor space for all principal buildings concerned. Multiple family dwelling units and larger nonresidential uses shall be counted as an equivalent multiple number of development units.

Direct Watershed:

That portion of the land area which drains surface water directly to a body of standing water without such water first passing through an upstream body of standing water.

Docking Structure:

A structure placed in or near water primarily for the purpose of securing and/or loading or unloading boats and float planes, including but not limited to docks, wharfs, piers, and associated anchoring devices, but excluding boathouses and floatplane hangars. When associated with this phrase, the term “permanent” shall mean a structure in place for longer than 7 months in any calendar year or which is so large or otherwise designed as to make it impracticable to be removed on an annual basis without alteration of the shoreline.

Driveways:

A vehicular access-way, other than a land management road, less than 1000 feet in length serving two or fewer lots.

Dwelling Unit:

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp or other similar facility which is rented or leased on a relatively short term basis; provided, however, the term shall include a tourist home that qualifies as a home occupation.

Earth Tones:

Non-reflective colors associated with tones of soil and forest that blend with the natural background including, but not limited to, green (as in Spruce or Pine), brown, slate, gray or rust (as in driftwood, soils, or beach rocks). "Earth Tones" do not include the colors red, yellow, orange, blue, purple, pink, or white.

Enhancement:

An activity increasing the net value of a wetland.

Expansion of a Structure:

The increase in the floor area of a structure, including attached decks and porches, or the increase in the height of a structure.

Family:

One or more persons occupying a premise as a single housekeeping unit.

Fishery Management Practice:

Activities engaged in for the exclusive purpose of management of freshwater and anadromous fish populations by manipulation of their environment for the benefit of one or more species. Such practices may include but not be limited to the construction of traps and weirs, barrier dams, stream improvement devices, fishways, and pond or stream reclamation, provided that any such activities are specifically controlled and designed for the purpose of managing such species and are conducted or authorized by appropriate state or federal fishery management agencies in compliance with the water quality standards contained in 38 M.R.S.A. §465.

Floodplain Wetland:

Wetlands that are inundated with flood water during a 100-year event based on site specific information including, but not limited to, flooding history, landform, and presence of hydric, alluvial soils, and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

Floor Area:

The sum of the horizontal areas of the floor(s) of a structure, excluding basements, measured by their exterior dimensions. Floor area shall include, but not be limited to, all stories and lofts, decks, garages, porches and greenhouses.

Flowing Water:

A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks.

Footprint:

The sum of the surface area of the earth occupied by a structure, calculated on the basis of the exterior dimensions of the perimeter walls or bounds of such structure, and including the exterior dimensions of the perimeter walls or bounds of any attached porches, decks or other attached accessory structures. "Footprint" does not include the surface area occupied by subsurface waste disposal systems, driveways, or underground utilities.

Forest:

A plant community predominantly of trees and other woody vegetation growing more or less closely together.

Forest Management Activities:

Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.

Forest Product:

Any raw material yielded by a forest.

Forested Wetland:

Freshwater wetlands dominated by woody vegetation that is 6 meters tall, or taller.

Freshwater Wetland:

Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and not part of a great pond, coastal wetland, river, stream or brook.

Gatehouse:

See checkpoint building.

Green Area:

See Common Area

Hand-carry; Hand-pump:

To use a device, such as a bucket, or a human hand-powered mechanical device to transport water.

Hand-carry Launch:

A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark), any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, to or from the surface of a waterbody. Unless otherwise specified by permit condition, boat trailers or dollies designed to be moved by hand may be used at such facilities provided no special site design is required to accommodate such devices.

Home Occupation:

Any business, occupation or profession which is carried on in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing in the dwelling unit. The conduct of such business, occupation or profession must be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and must occupy no more than 25 percent of all floor area of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure in which the occupation is carried out.

Imperiled Natural Community (S2):

An assemblage of plants, animals and their common environment that is rare in Maine or vulnerable to further decline. Examples of S2 communities that occur in freshwater wetlands are Atlantic White Cedar Swamp, Alpine Bog-Meadow, Circumneutral Fen, Maritime Slope Bog, and Coastal Plain Pocket Swamp.

Land Management Road:

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including associated log yards but not including skid trails, skid roads, and winter haul roads.

Land Use Subdistrict:

The area located within the boundaries of air, land or water delineated vertically or horizontally by the Commission to provide for distinct categories of uses or resources.

Lean-to:

A three-sided, roofed structure used for transient occupancy and commonly constructed for campsites.

Level A Mineral Exploration Activities:

Mineral exploration activities engaged in for purposes of determining the location, extent and composition of mineral deposits, provided that such activities are limited to test boring, test drilling, hand sampling, the digging of test pits having a maximum surface opening of 100 square feet, or other test sampling methods which cause minimum disturbance to soil and vegetative cover. Level A mineral exploration activities shall not include bulk sampling of mineral deposits.

Access ways for Level A mineral exploration activities shall include only access ways the creation of which involves little or no recontouring of the land or ditching, and does not include the addition of gravel or other surfacing materials. Clearing of the vegetative cover shall be limited to the minimum necessary to allow for the movement of equipment.

Level B Mineral Exploration Activities:

Mineral exploration activities involving the bulk sampling of mineral deposits, or any mineral exploration activities which exceed those defined as Level A mineral exploration activities and which are not defined as Level C metallic mineral exploration activities.

Level C Mineral Exploration Activities:

Metallic mineral exploration activities involving the disturbance of a site, by excavation, of more than two (2) acres of surface area or the excavation or removal of more than ten thousand (10,000) cubic yards of soil, overburden, ore or other earthen materials from the site of exploration.

Level A Road Projects:

Reconstruction within existing rights-of-way of public or private roads, other than land management roads, and of railroads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.

Level B Road Projects:

Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads and of railroads; bridge reconstruction and minor relocations whether within or outside of existing right-of-way of such roads; "Minor relocations" as used herein may not exceed 300 feet in horizontal displacement of centerline. "Reconstruction" as used herein may involve widening of existing rights-of-way not to exceed 50 feet on either side.

Level C Road Projects:

Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.

Lot Coverage:

The total footprint area of all structures, which includes, but is not limited to, buildings, parking lots, and driveways.

Maintenance:

Activities required assuring continuation of a wetland or the accomplishment of project goals after a restoration or creation project has been technically completed, including, but not limited to, water level manipulations and control of non-native plant species.

Major Flowing Water:

A flowing water downstream from the point where such water drains 50 square miles or more.

Management Class 3 Lake:

Lake, also referred to as "Potentially Suitable for Development" which through a consideration of existing water quality, potential water quality impacts, location, access, conflicting uses, available shoreline, water level fluctuation, regional considerations, and special planning needs is found by the Commission to be a potentially suitable location for shoreland development. Such lakes are more specifically defined in the Commission's Comprehensive Land Use Plan.

Such lakes are designated as MC3 on the Commission's Land Use Guidance Maps encompassing such lakes.

Management Class 7 Lake:

All lakes that are not otherwise classified in one of the other six lake management classes.

Metallic Mineral Mining Activity:

"Metallic mineral mining activity" means any activity or process that is for the purpose of extraction or removal of metallic minerals, and includes processes used in the separation or extraction of metallic minerals from other material including, but not limited to: crushing, grinding, beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic); cyanidation; leaching; crystallization; or precipitation; mine waste handling and disposal; and processes substantially equivalent, necessary, or incidental to any of the foregoing. Metallic mineral mining or metallic mineral mining activity does not include Level A, B or C exploration activities, or thermal or electric smelting.

Mineral Deposit:

Any deposit of peat, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, metallic or non-metallic ores or other minerals.

Mineral Extraction:

Any extraction of a mineral deposit, other than peat extraction, metallic mineral mining activities or Level A, B or C exploration activities.

Mineral Extraction for Road Purposes:

Mineral extraction where at least 75% by volume of the minerals extracted over any three year period are used for the purposes of construction or maintenance of land management or other roads.

Mineral Processing Equipment:

Equipment used to process minerals following extraction including, but not limited to, rock crushers and batch plants. The term does not include equipment used to remove, sort or transport minerals, such as front-end loaders, screens or trucks.

Mineral Soil:

Soil material in which inorganic (mineral) constituents predominate.

Minor Flowing Water:

A flowing water upstream from the point where such water drains less than 50 square miles.

Mitigation:

Actions taken to offset potential adverse environmental impact. Such actions include the following:

- a. Avoiding an impact altogether by not taking a certain action or parts of an action;
- b. Minimizing an impact by limiting the magnitude or duration of an activity, or by controlling the timing of an activity;
- c. Rectifying an impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; and
- e. Compensating for an impact by replacing affected resources or environments.

Mitigation Banking:

Wetland restoration, enhancement, preservation or creation for the purpose of providing compensation credits in advance of future authorized impacts to similar resources.

Mooring:

A structure for securing a vessel or aircraft that consists of a line and buoy attached to a weight that rests on the bottom of a waterbody.

Multi-family Dwelling:

A building containing three or more dwelling units.

Nonconforming Lot:

A preexisting lot which upon the effective date of adoption or amendment of these rules, does not meet the area, frontage or other dimensional requirements for a legally existing or proposed use.

Nonconforming Structure:

"A structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations." 12 M.R.S.A., § 682. More specifically, a nonconforming structure is legally existing, but does not meet one of the following dimensional requirements: setback, lot coverage, or height requirements.

Nonconforming Use:

"A use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulations or subsequent amendments made thereto, that does not conform to the district regulations." 12 M.R.S.A., § 682. More specifically, a nonconforming use is a legally existing use of buildings, structures, premises, lands, or parts thereof, which would not be allowed to be established under current regulations in the subdistrict in which it is situated.

Non-Permanent Docking Structure:

Docking structures which are in place for less than seven (7) months during any calendar year upon or over submerged lands and which are of such a size or design that they can be removed on an annual basis without requiring alteration of the shoreline.

Normal High Water Mark:

That line on the shores and banks of non-tidal waters that is discernible because of the different character of the soil or the vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerel-weed, cat tail, wild rice, sedges, rushes, marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches, and maples.) In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rock slides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

Normal Maintenance and Repair:

Unless otherwise provided, any work necessary to maintain an improvement or structure in its original or previously improved state or condition. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building is replaced. In-kind and in-place replacement of decking or exterior stairs is considered as normal maintenance and repair. Normal maintenance and repair shall not include reconstruction, or change in design, change in structure, change in use, change in location, change in size or capacity.

On Premise Sign:

A sign that is located upon the same lot or parcel of real property where the business, facility, or point of interest being advertised is located.

Peatland:

Freshwater wetlands, typically called bogs or fens, consisting of organic soils at least 16" deep, predominantly vegetated by ericaceous shrubs (heath family), sedges, and sphagnum moss and usually having a saturated water regime.

Permanent Foundation:

A supporting substructure that either extends below the frost line or is designed to permanently withstand freeze-thaw conditions. Permanent foundations include full foundations, basements, slabs and frost walls. For the purposes of this definition "sonotubes" or posts installed with augers are not considered permanent foundations.

Person:

"An individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity." 12 M.R.S.A., § 682.

Personal Watercraft:

"Any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. 'Personal watercraft' includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat. 'Personal watercraft' also includes motorized watercraft whose operation is controlled by a water skier." 12 M.R.S.A. §7791, sub-§11-A.

Pesticide:

A chemical agent or substance employed to kill or suppress pests (such as insects, weeds, fungi, rodents, nematodes or other organisms) or intended for use as a plant regulator, defoliant or desiccant.

Piped Water:

Water supplied to a building by means other than hand pump or hand carry.

Portable Mineral Processing Equipment:

Mineral processing equipment that is not fixed to a location on the ground but rather is designed to be readily moved from one mineral extraction operation to another. **Practicable:** Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.

Practicable:

Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.

Preservation:

The maintenance of a wetland area or associated upland areas that contribute to the wetland's functions so that it remains in a natural or undeveloped condition. Preservation measures include, but are not limited to, conservation easements.

Primitive Campsite:

"A camping location containing tents or similar devices used for camping. "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission's comprehensive land use plan." 12 M.R.S.A § 682(15).

Primitive Recreation:

Those types of recreational activities associated with non-motorized travel, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing.

Primitive Septic System:

A septic system that uses an alternative toilet, such as a pit privy, compost, chemical, recirculating, incinerating, and vacuum types and a minimal disposal field designed to treat gray waste water that originates from a non-pressurized water supply.

Principal Building:

A building that provides shelter for the primary use of a parcel. On a single parcel, all buildings related to forest or agricultural management activities, including dwellings of the owner or lessee and employees, are considered one principal building.

Principal use:

A use other than one that is wholly incidental or accessory to another use on the same premises.

Private trailered ramp, hand-carry launch, or dock:

A trailered ramp, hand-carry launch, or dock that is privately owned and operated, and not open to all members of the public.

Projecting Sign:

A sign, which is attached to a wall of a building and extends more than 15 inches from any part of the wall.

Property Line:

Any boundary between parcels of land owned or leased by different persons or groups of persons.

Public Road or Roadway:

Any roadway that is owned, leased, or otherwise operated by a governmental body or public entity.

Public trailered ramp, hand-carry launch, or dock:

A trailered ramp, hand-carry launch, or dock, including associated facilities, that is owned, leased, or operated by a public entity and made available with or without a fee. Such entities include owners of federally licensed hydropower projects within the resource affected by the hydropower project for use by all members of the public.

Rapidly Permeable Outwash Soils:

Such soils shall include Colton, Hinckley, Adams, Windsor, Merrimac, Agawam, Stetson, Allagash, Duane, Crogham, Deerfield, Sudbury, Ninigret, Machias, Madawaska, Skowhegan and such other soils as may be included in this category by the National Cooperative Soil Survey in Maine.

Reclamation:

The rehabilitation of the area of land affected by mineral extraction, including but not limited to, the stabilization of slopes and the creation of safety benches, the planting of vegetation including grasses, crops, shrubs, and/or trees, and the enhancement of wildlife and aquatic habitat and aquatic resources.

Reconstruction:

The addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof, or foundation, has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place, while rebuilding the remaining structure, is considered reconstruction, not normal maintenance and repair or renovation.

Rental cabin:

A building associated with a commercial sporting camp that is used for the housing of guests, including housekeeping cabins and outpost cabins. A rental cabin cannot be greater than 25 feet in height, cannot have a permanent foundation, and is limited to a footprint no greater than 800 square feet.

Renovation:

Restoring or remodeling a structure. Renovation includes interior modifications, and the installation of new windows, floors, heating systems, or other features, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building's structural components are replaced. The introduction of plumbing to a structure may constitute a change in use that requires a permit.

Residential:

Pertaining to a dwelling unit.

Residential Dwelling:

See Dwelling Unit.

Residential Directional Sign:

An off-premise sign erected and maintained by an individual or family to indicate the location of his or its residence.

Residual:

“Residual means solid wastes generated from municipal, commercial or industrial facilities that is suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.” DEP Rules, Chapter 400, § 1.

Restoration:

An activity returning a wetland from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater acreage or function.

Roadway:

A public or private road including any land management road.

Roof Sign:

A sign, which is attached flat to, painted on, or pinned away from the roof of a building.

Seasonal, Seasonal Use:

Pertains to use of a dwelling unit based on natural occurrences of time. A dwelling may be used intermittently during these seasonal occurrences but is not meant for permanent year round occupancy or to justify residency requirements.

Septage:

”Septage means waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities.” 38 M.R.S.A. § 1303-C “Septage is defined as a mixture of liquids and solids derived from residential sanitary wastewater, and includes sanitary wastewater from tanks connected to commercial and institutional establishments which have inputs similar to residential wastewater. Septage also includes wastes derived from portable toilets.” DEP Rules, Chapter 420, § 1

Service Drop:

Any utility line extension that does not cross or run beneath any portion of a body of standing water provided that:

- a. In the case of electric service
 1. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 2. the total length of the extension within any 5 year period is less than 2,000 feet.
- b. In the case of telephone service
 1. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
 2. the total length of the extension within any 5 year period, requiring the installation of new utility poles or placed underground, is less than 2,000 feet.

Setback:

The minimum **horizontal** distance from the lot line, shoreline, upland edge of a wetland, or road to the nearest part of the structure or other regulated area such as a driveway or parking area.

Shallow Soils Over Fractured Bedrock:

Such soils shall include Thorndike, Mapleton, Linneus, Bensen and such other soils as may be included in this category by the National Cooperative Soil Survey in Maine.

Shoreland Alteration:

Any land use activity, which alters the shoreland area, either at, adjacent to or below the normal high water mark, of any surface water body, including but not limited to:

- a. dredging or removing materials from below the normal high water;
- b. construction or repairing any permanent structure below the normal high water mark.

For purposes of this subsection, permanent structure shall mean any structure, including but not limited to, causeways, wharfs, piers, docks, concrete or similar slabs, bridges, hand-carry launches, trailered ramps, water-access ways, piles, marinas, retaining walls, riprap, buried or submarine utility cables and lines, permanent docking structures, mooring structures, and water lines. A structure which is not fixed in or over the water or below the normal high water mark for more than 7 months in a calendar year shall not be a permanent structure;

- c. depositing any dredged spoil or fill below the high water mark; and
- d. depositing dredged spoil or fill, or bulldozing, scraping or grading, on land adjacent to a water body in such a manner that the material or soil may fall or be washed into the water body, except that filling and grading or water crossings which do not require a permit as specified in Section 10.17, A, or other provisions of these rules shall not constitute shoreland alteration.

Activities which cause additional intrusion of an existing structure into or over the water body, are also considered shoreland alterations.

Shoreline:

The normal high water mark of tidal water, a standing body of water, flowing water, or stream channel.

Sign:

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any roadway or other right-of-way. It does not include the flag, pennant, or insignia of any nation, state or town.

Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shall be the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders; the structural supports of a sign are to be excluded in determining the sign area; where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured; only one face of a double-faced sign is included as the area of such sign. The area of a wall or window sign shall be the area of a regular geometric form enclosing a single display surface or display device containing elements organized, related, and composed to form a unit; where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Significant Wildlife Habitat:

The following areas to the extent that they have been identified by the Department of Inland Fisheries and Wildlife: habitat, as determined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; deer wintering areas and travel corridors as determined by the Department of Inland Fisheries and Wildlife; high and moderate value water fowl and wading bird habitats, including nesting and feeding areas as determined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as determined by the Atlantic Sea Run Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as determined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified in specific locations by the Department of Inland Fisheries and Wildlife.

Spaghetti-lot:

“A parcel of land with a lot depth to shore-frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland, or great pond as these features are defined in 38 MRSA, § 480-B.” 12 M.R.S.A. § 682(13)

Sporting camp: See commercial sporting camp.

Stream Channel:

A channel between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

Structure:

“[A]nything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats.” 12 M.R.S.A. § 682.

Structure Height:

The vertical distance between the original grade at the downhill side of the structure and the highest point of the structure.

Subdivision:

Except as provided in [12 M.R.S.A] section 682-B, “subdivision” means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing. The term “subdivision” also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period. (12 MRSA § 682 (2-A))

Refer to Section 10.17, B, 9, “Subdivision and Lot Creation” for additional criteria on types of lots that are included or are exempt from this definition.

Subsurface Waste Water Disposal System:

“Subsurface waste water disposal system means:

- A. Any system for the disposal of waste or wastewater on or beneath the surface of the earth including, but not limited to:
 - (1) Septic tanks;
 - (2) Drainage fields;
 - (3) Grandfathered cesspools;
 - (4) Holding tanks; or
 - (5) Any other fixture, mechanism or apparatus used for these purposes; but

- B. Does not include:
 - (1) Any discharge system licensed under Title 38, section 414;
 - (2) Any surface waste water disposal system; or
 - (3) Any municipal or quasi-municipal sewer or waste water treatment system.” 30-A M.R.S.A. §4201(5).

Subsurface Waste Water Disposal Rules:

The Maine Subsurface Waste Water Disposal Rules, 144A CMR 241, administered by the Department of Human Services.

Timber Harvesting:

The cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of land management roads.

Traffic Control Sign or Device:

A route marker, guide sign, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which is not used for commercial or advertising purposes.

Trail:

A route or path other than a roadway, and related facilities, developed and used primarily for recreational activities including but not limited to hiking, backpacking, cross-country skiing and snowmobiling, which passes through or occurs in a natural environment. Related facilities may include but not be limited to subsidiary paths, springs, viewpoints, and unusual or exemplary natural features in the immediate proximity of the trail that are commonly used or enjoyed by the users of the trail.

Trailer Ramp:

A shoreland alteration, including, but not limited to, an associated parking area, access road, and other similar related facilities to allow a trailer to be backed below the normal high water level of a waterbody in order to load or unload an item, including but not limited to a boat, personal watercraft, float plane, or dock float.

Transient Occupancy:

“Occupancy that does not exceed 90 consecutive days” 12 M.R.S.A. § 682(18). For the purposes of the application of the Commission’s rules regarding campsites, the Commission considers occupancy to mean the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site.

Unorganized and Deorganized Areas:

“Unorganized and deorganized areas includes all unorganized and deorganized townships, plantations that have not received commission approval under section 685-A, subsection 4 to implement their own land use controls, municipalities that have organized since 1971 but have not received commission approval under section 685-A, subsection 4 to implement their own land use controls and all other areas of the State that are not part of an organized municipality except Indian reservations.” 12 M.R.S.A., § 682.

Utility Facilities:

Structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipe lines or above ground storage tanks.

Wall Sign:

A sign, which is attached flat to, painted on or pinned away from the wall of a building and does not project more than 15 inches from such wall.

Water Bar:

An obstruction placed across a roadway which effectively diverts surface water from and off the road.

Water-access Ways:

A structure consisting of a pair of parallel rails, tracks, or beams extending from above the normal high water mark to below the normal high water mark of a waterbody, and designed as the conveying surface from which an item, including but not limited to a boat, personal watercraft, float plane, or dock float, with or without a support cradle, is launched into or removed from the waterbody.

Water Crossing:

A roadway or trail crossing of any body of standing or flowing water (including in its frozen state) by means of a bridge, culvert, or other means.

Water-Dependent Uses:

Those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, boat building facilities, navigation aides, basins and channels, uses dependent upon water-borne transportation that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal waters.

Wetland Functions:

The roles wetlands serve which are of value to society or the environment including, but not limited to, flood water storage, flood water conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.

Wetland Value:

The importance of a wetland with respect to the individual or collective functions it provides.

Wildlife:

All vertebrate species, except fish.

Wildlife Management District (WMD):

A geographic area identified by the Maine Department of Inland Fisheries and Wildlife to facilitate the management of wildlife. For purposes of these regulations, the boundaries of Wildlife Management Districts are as shown on Map 10.16-1 and the area of a Wildlife Management District is based on land and water acreage within LURC jurisdiction.

Wildlife Management Practices:

Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species. This term does not include impounding water.

Winter Haul Road:

A route or travel way that is utilized for forest management activities conducted exclusively during frozen ground conditions. Winter haul roads must have the following characteristics:

- a. they are constructed with no significant soil disturbance;
- b. they do not make use of fill or surfacing material; and
- c. they are substantially revegetated by the end of the following growing season and are maintained in a vegetated condition.

Appendix 16

GUIDELINES FOR VEGETATIVE STABILIZATION

Areas of disturbed soil, including but not limited to areas that are filled, graded or otherwise disturbed during construction projects, should be stabilized according to the following guidelines. These guidelines do not apply to forest management activities and are not strict regulations, and therefore alternative methods of stabilizing soil may be used. However, whenever soil stabilization or stabilization of disturbed areas is required by regulation or by the terms of individual permits, individuals must assure that either these guidelines, or measures equally effective in stabilizing disturbed areas of soil are employed.

The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and the avoidance of sedimentation or pollution of water bodies. All stabilization measures must be maintained so that grass or other vegetation remains intact and healthy, otherwise these measures will be ineffective.

In General:

1. Sterile soils such as sands and gravels should be covered with 2 to 4 inches of soil medium that will support vegetative growth.
2. Disturbed soil areas should be graded such that runoff water is either minimized or eliminated from running over the site.
3. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period.
4. Disturbed areas which cannot be seeded between May 1 and September 15 should be mulched with hay, straw or some other suitable material to keep them as stable as possible over the winter, and particularly during spring runoff the following year. For over-wintering, mulch must be tacked down, as it is easily blown around on frozen ground, leaving areas of soil exposed. Mulch hay should be applied at a depth of 4 inches, or between 150 to 200 lbs. per 1000 square feet, over the disturbed site. Mulched over-wintered areas should be prepared and seeded the following spring as soon as conditions allow.

It is not recommended that disturbed areas be seeded after September 15th (“dormant seeding”) for a number of reasons. Among the reasons, seeding rates are doubled, which is more expensive; timing is critical to ensure that germination does not occur before the following spring; there is an increased risk of sedimentation because sites are generally wetter in the fall; the thicker mulch must be removed in the spring in order to allow the germinating seed

to survive; and the application of fertilizer during this time increases the risk of leaching or runoff loss of nutrients into water bodies.

5. Seeding preparation, in addition to providing a soil medium that will support vegetative growth if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked prior to seeding. After the area is seeded, it should be lightly watered and then mulched with 70 to 90 lbs. (2 standard bales) per 1,000 square feet of weed free hay or straw to protect the seed. Keep the site stable and moist, and allow the seed to germinate and grow.
6. For accurate liming as well as fertilization, it is recommended that you have the soil analyzed to determine the specific nutrient requirements of your site.

Lime should be applied at a rate of approximately 140 pounds to 1000 square feet of area. This rate may vary depending on the natural conditions of the soil on the site. 10-5-20 fertilizer should be applied at a rate of 18.5 lbs. per 1000 square feet of area. Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

7. In shoreland areas in particular, fertilizers should be of the "quick release" low phosphorus type, such as 12-4-8 mixtures applied at a rate of 8 pounds per 1000 square feet of area. If you are near water bodies, it is important not to apply more than approximately this amount of fertilizer, as excess may be washed into streams or lakes and contribute to lowering water quality and such things as algae blooms in lakes.

Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

Fertilizers should never be applied right before thunder storms or before spring runoff, because the great amounts of water running over the land will wash the fertilizer, particularly phosphorus, into water bodies. However, a light watering after the fertilizer is applied will help bind the phosphorus to the soil.

8. There are many combinations of grasses that can be used. One combination particularly good for providing soil stability, generally referred to as the Soil Conservation Mixture, consists of: (Proportions, by weight)

Creeping Red Fescue	35%
Kentucky Bluegrass	25%
Annual Rye Grass	15%
Perennial Rye Grass	10%

Red Top	10%
White Dutch Clover	5%
*Oats - See Below	

This seed would be applied at a rate of 1 pound per 1000 square feet. These particular grasses do best if mowed no closer than 2-1/2 to 3 inches from the ground. Of course, other seed mixtures are available.

It is important, in choosing a mixture, to choose one suitable for the site being stabilized. There are many different types of seeding mixtures designed for particular site conditions such as shade, sun, and drainage. Any mix should contain some seed which germinates rapidly to provide the quickest stabilization possible while awaiting the germination of the remaining types.

(*) For quick germination, oats are very good. They germinate in 7 to 10 days. They should be planted at a rate of approximately 1 to 1-1/2 bushels per acre, in addition to the basic grass mixture. Oats should be mowed when they reach knee height to allow the germinating grasses to receive sunlight.

Alternatives:

As indicated above, other stabilization programs may be used, provided they are equivalently effective in stabilizing disturbed areas and preventing accelerated soil erosion and sedimentation of water bodies. Further assistance may be obtained, including in some cases site-specific recommendations, as follows:

Local Soil and Water Conservation Districts
The USDA Natural Resource Conservation Service
Maine Department of Environmental Protection, Lakes Program
Landscaping Professionals
Reputable Lawn and Garden Supply Dealers

The following documents may provide valuable assistance to those developing a soil stabilization plan:

Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (Cumberland County Soil & Water Conservation District and Maine Department of Environmental Protection, 1991)

Strategy for Managing Nonpoint Source Pollution From Agricultural Sources and Best Management Guidelines (NPS Agricultural Task Force, 1991)

Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations, Best Management Practices (Maine Forest Service, 1991)

Appendix 17

E. RESOURCES

Previously submitted Lake Concept Plans:

- A Concept Plan for Lands of Lowell & Co. Timber Associates in Attean Township and Dennistown, approved in July 1, 1993.
- A Concept Plan for the Lands of Gardner Land Company T7 R11 Wels, 1996, by The Ames Corporation.
- A Concept Plan for First Roach Pond, Plum Creek Land Company, Dec. 2001, by Kent Associates, Planning & Design Consultants.

Water Resources

- Wes Hallowell, Kennebec Water Power Company
- Public Educational Access to Environmental Information in Maine, pearl website
<http://pearl.spatial.maine.edu/>

Wildlife and Fishery Resources

- DIF&W Biologists, Douglas Kane and Paul Johnson, Greenville Office
- DIF&W Biologist, Tom Hodgman, Bangor Office
- DIF&W Reports, Wildlife Division, website
<http://www.state.me.us/ifw/wildlife/01report/wildlifepanning.htm>
- State Planning Office Report, Chapter 1, Kennebec River Resource Management Plan: Balancing Hydropower Generation and Other Uses, website
<http://knox.link75.org/mmb/Cybrary/kennriver/>
- Maine Audubon Society, Volunteers to Count Maine's Loon Population, July 18, 2001, website
http://www.maineaudubon.org/whatsnew/in_the_news/010718.html

Soils

- S.W. Cole Engineering, Inc., Stephen Howell, Soil Scientist

Phosphorus

- Maine Department of Environmental Protection, Jeff Dennis, Division of Watershed Management

Land Use Standards

- Land Use Regulation Commission Planning and Administration - Fred Todd, Division Manager Agnieszka Pinette, Senior Planner, and Kristina Henderson, Regional Permitting and Compliance Officer
- Chapter 10 Land Use Districts and Standards
- Comprehensive Land Use Plan
- Model Easement