



# DEP INFORMATION SHEET

## Guidelines for Restoration Plan for Shoreland Clearing Violations

Issued: October 2007

Contact: (207) 287-7688

*See back page for other office numbers.*

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Pursuant to the Mandatory Shoreland Zoning Act (Title 38 MRSA sections 435-449) and enforcement provisions of Title 30-A MRSA section 4452(3)(C-2), correction or mitigation of a violation that involves the cutting of a tree or trees must include but is not limited to replacement of each tree cut with a tree of substantially similar size and species to the extent available and feasible. Understory vegetation that is cut in violation of the shoreland zoning standards must also be replaced. The violator must submit a reforestation plan prepared by and signed by a forester licensed pursuant to 32 MRSA, Chapter 76 or other qualified professional that considers specified site conditions and addresses habitat and other riparian restoration, visual screening, understory vegetation and erosion and sedimentation control.

This information sheet is written to provide guidance in drafting the reforestation plan. The goal of the plan is to reestablish a forested buffer where the trees have been illegally cut. A landscaped buffer of shrubs and non-native species is not an acceptable alternative. However, where shrubs, saplings and ground cover have been significantly altered the plan must also address the restoration of this buffer component.

The purposes of the Mandatory Shoreland Zoning Act are varied. Of high importance is the protection of water quality. A buffer of trees, saplings, shrubs and the organic duff layer serves to filter rain and stormwater before it flows to surface waters, and also acts as a sponge to reduce overland flow. The buffer also provides habitat for many animal species, including small mammals and many songbirds. A wooded buffer also maintains the natural beauty of our larger water bodies and keeps water temperatures down in our smaller streams.

In designing a planting plan the qualified professional, at a minimum, must address the following:

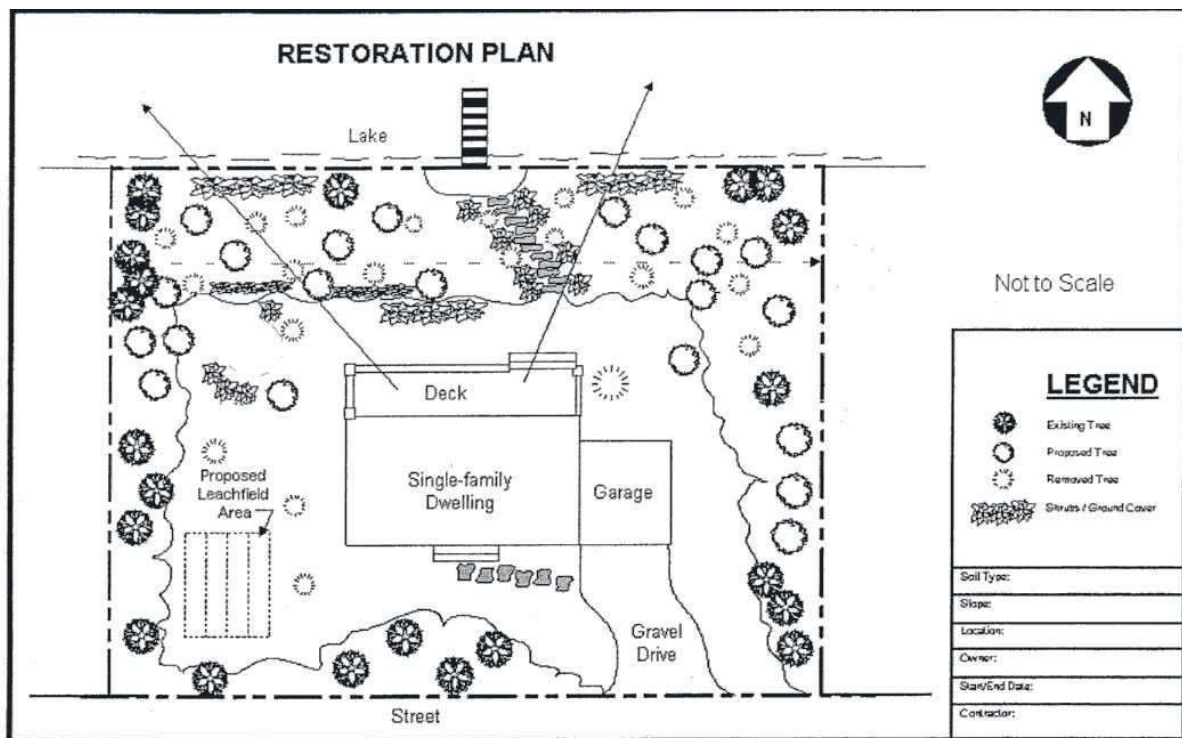
- The number of trees removed in violation of the Ordinance – at least one tree must be planted for each tree cut in violation. The location of the replanted trees shall be as near as feasible to the trees they are replacing.
- The size of the trees removed – The replanted trees must be as close in diameter and height to those that were removed as practical, taking into consideration the size available at nurseries, the type and depth of the soils, depth to the water table, slope of the land, exposure to sun and wind, and other factors that may affect the short and long-term survival of the trees. Regardless of the size of the tree when it is planted, it must be a species that will grow to a similar size as would the original tree.
- Tree species removed – Planted trees shall be native to the area where the planting will occur and must be suited to the soil conditions at the planting site. Specific species planted may depend on the availability of nursery stock. However, deciduous and coniferous trees should be planted at essentially the same ratios as were cut, unless site conditions are prohibitive.
- Saplings and shrubs removed – Saplings and shrubs that were removed in violation of the Ordinance must be replaced with native species that will be effective in preventing erosion and maintaining water quality, will complement the visual screening provided by the replanted trees,

and will provide habitat for riparian species. Preference should be given to shrub and sapling species that will provide food and shelter for animal species that frequent the riparian zone.

- Site conditions – Soil conditions are important to the establishment of planted trees. Each tree species has its own growing needs, and a particular tree may grow well on a dry site but do poorly in moist soils. Site conditions can also be a factor in developing a planting plan if large trees are to be planted. For example, in wetland areas it may not be feasible to use heavy equipment without subjecting the area to significant soil disturbance. In those cases, it may be necessary to plant smaller trees than desirable.
- Planting time – The planting should be done at a time of the year when there is the greatest potential for survival of the plantings.
- Survival – The plan must address the replanting of trees that do not survive during the first three years after planting. An 80% survival rate should be guaranteed during the first three years following the planting.

The plan must also include, at least, the:

- Site location and a drawing of the planting locations (see drawing below);
- Waterbody;
- Tax map and lot number; Owner's name;
- Mailing address of owner; and
- Phone number of contact person.



Include setbacks and dimensions of existing and proposed structures. Stumps and their root systems must remain intact within 75 feet of the water, as the extent of soil disturbance must be

minimized. An erosion control plan shall be included if soil disturbance or fill activities are conducted within the setback area.

If an area has been cleared in violation of the Ordinance standards and the stumps and stems have been removed so that the species, numbers, and sizes of trees and understory vegetation cannot be determined, the replanting plan should be developed based on the conditions present on the abutting parcel(s) if it is believed that conditions on the abutting parcel(s) are similar to what had existed on the subject parcel. If agreement cannot be reached regarding the pre-existing stand conditions, or if the vegetation on the adjoining parcel(s) is known to be dissimilar, it is recommended that trees at least three feet in height be planted at a density no less than one tree per 80 square feet of area cleared in violation.

This guidance document is not meant to address violations of timber harvesting standards, as timber harvesting activities are exempt from the requirements of 30-A MRSA section 4452(C-2). For further assistance contact the Shoreland Zoning Coordinator in the Department's offices in Augusta, Bangor and Portland.

**Where can I get additional information?**

For additional information, contact the DEP office closest to you and ask to speak with a staff person in the Shoreland Zoning program.

Augusta	17 State House Station, Augusta, ME 04333	(207) 287-7688; (800) 452-1942
Bangor	106 Hogan Road, Bangor, ME 04401	(207) 941-4570; (888) 769-1137
Portland	312 Canco Road, Portland, ME 04103	(207) 822-6300; (888) 769-1036
Presque Isle	1235 Central Drive, Presque Isle, ME 04769	(207) 764-0477; (888) 769-1053