STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

May 20, 2010

Doug Baston, Chairman
Alna Planning Board
Town of Alna
1568 Alna Road
Alna, Maine 04535

Subject: CONDITIONAL APPROVAL,
Shoreland Zoning Ordinance Amendments

Dear Mr. Baston and Planning Board Members:

Please find enclosed a copy of Department Order # 10-10 conditionally approving the amendments to the Shoreland Zoning Ordinance for the Town of Alna, as adopted on March 20, 2010. The conditions of approval are binding on the Town and must be administered as part of the municipal ordinance. Should the ordinance be amended in the future to address the issues identified in the conditions, the Department can then fully approve the ordinance and repeal the conditions of approval.

Since I will be retiring effective May 27, 2010, if your board or the other town officials have any questions, please contact Mike Morse at 822-6328.

Sincerely

Rich Baker
Shoreland Zoning Coordinator
Bureau of Land and Water Quality

enclosed: Department Order #10-10

cc: Selectmen
Code Enforcement Officer
Bob Faunce

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF ALNA	) MANDATORY SHORELAND ZONING
LINCOLN COUNTY	) 38 M.R.S.A., SECTION 438-A (3)
SHORELAND ZONING ORDINANCE	) ORDINANCE APPROVAL WITH
FILE #10-10	) CONDITIONS

Pursuant to the provisions of 38 M.R.S.A., Section 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective March 24, 1990, and amended through May 1, 2006, the Department of Environmental Protection has considered the Shoreland Zoning Ordinance for the Town of Alna, as amended by the municipal legislative body on March 20, 2010, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires the Town of Alna to establish zoning controls in areas within 250 feet of the normal high water-line of great ponds, rivers and tidal waters; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of the normal high water-line of streams. Such zoning standards must be consistent with or no less restrictive than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, (Guidelines), as adopted by the Board of Environmental Protection (Board).

2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is/are effective, it must be approved by the Commissioner of the Department of Environmental Protection (Department). The Department may approve, approve with conditions, or disapprove a locally adopted ordinance. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality.

3. The Department's review of the Alna ordinance has revealed the following significant deficiencies:

    A. Pinkham Pond, although being a great pond, does not have a 100-foot setback requirement for new structural development that is not water-dependent. In addition, the ordinance allows clear-cut openings adjacent to Pinkham Pond beginning 75 feet from the normal high-water line,

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rather than 100 feet from the normal high-water line and the ordinance fails to regulate slash adjacent to Pinkham Pond.

B. There is no setback requirement in the Alewife Fishery District, yet Table 1, *The Table of Land Uses in the Shoreland Zone* allows "Multi-unit Residential" structures in that District.

C. The ordinance fails to require a 75-foot setback requirement from a wetland for the storage of manure.

D. Section 16(G)(4)(a)(i) incorrectly refers to Section 16(H)(1)(a) instead of Section 16(G)(1)(a).

E. The definition of "coastal wetland" is outdated in that it still references the "debris line" as a criterion for determining a coastal wetland. Also, the definition of "shore frontage" fails to include the distance along a second-order stream or an outlet of a great pond.

F. Portions of two freshwater wetlands that are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife are not fully zoned for Resource Protection even though there is no significant development adjacent to those portions of the wetland. One wetland is associated with Dresden Bog and the other is just east of the Dresden Bog Wetland.

4. In a letter dated May 3, 2010, the Town of Alna was notified by the Department of the above deficiencies, and the proposed conditional approval of the locally adopted ordinance.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

1. The deficiencies noted in paragraphs 3(A) thru 3(E) above can be addressed by the Department approving the Ordinance with conditions that will result in the Ordinance being consistent with the Department's Guidelines.

2. The deficiency noted in paragraph 3(F) above is best addressed by the Town as there are landowner notification issues that must be addressed. The Department does not have time to provide notification to all effected landowners within the

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time-frames established in the statute. However, the Town of Alna can address the Resource Protection matter at its next regularly scheduled town meeting.

THEREFORE, the Department APPROVES the Shoreland Zoning Ordinance for the Town of Alna, as amended on March 20, 2010, SUBJECT TO THE ATTACHED CONDITIONS:

1. In the shoreland zone of Pinkham Pond, all permitted structures that are not functionally water-dependent shall be set back at least 100 feet, horizontal distance. Also, allowed cleared openings for timber harvesting operations shall not be closer than 100 feet from Pinkham Pond. Slash standards in Section 15(N)(2)(c) shall apply adjacent to Pinkham Pond.

2. Multi-unit residential structures shall not be permitting in the Alewife Fishery district.

3. Manure shall not be stored or stockpiled within 75 feet, horizontal distance, from other water bodies or wetlands.

4. In Section 16(G)(4)(a)(i) the reference to Section 16(H)(1)(a) shall be to Section 16(G)(1)(a) instead.

5. The definition of "coastal wetland" shall read as follows:

   Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

6. The definition of "shore frontage" shall read as follows:

   Shore frontage - the length of a lot bordering on a great pond, an outlet stream of a great pond, a river, or a second-order or greater perennial stream as shown on a U.S.G.S topographic map, or a freshwater wetland, measured in a straight line between the intersections of the lot lines with the shoreline.

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7. The Town of Alna must address the zoning district deficiencies noted in paragraph 3(F) above or the Department will be required to address the districting with a supplemental shoreland zoning map.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jody L Breton

This permit has been digitally signed by Jody Breton on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R.S.A. §9418. It has been filed with the Board of Environmental Protection as of the signature date. 2010.05.20 08:05:01 -04'00'

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES…

MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED ORDINANCE [30-A M.R.S.A. § 3002(2)]

To the Town Clerk of the Town of Alna:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Alna Shoreland Zoning Ordinance Ordinance," which is to be presented to the voters for their consideration voters on March 20th, 2010.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: March 9, 2010.

Billie G Willard

John J Smith

David Sage

Town Selectmen

[Notes: This form should be executed, and the ordinance and the form delivered to the Clerk, not less than seven days before the day of voting. See 30-A M.R.S.A. § 3002(2). In the spaces following entitled "Town of" insert the name of the town and then the name (of the ordinance, which will ordinarily convey information about its purpose.

This seven-day minimum filing deadline is clearly applicable when the ordinance will be voted on at an open town meeting. When voting is to be by secret ballot, however, you may wish to choose a more conservative course, and certify the ordinance text not later than the 45th day before the meeting. (See 30-A M.R.S.A. § 2528(5).) This would mean that all *developmental* hearings on the ordinance will have to be held before the 45th day before election day.

By law, no ordinance of any municipality subject to this subsection may be held invalid due to the municipality's failure to comply with this subsection unless the plaintiff is harmed or prejudiced by that failure. 30-A M.R.S.A. § 3002(2)(A).]

Attest. A true copy of an ordinance entitled "Shoreland Zoning Ordinance for the Town of Alna" as certified to me by the municipal officers of Alna on March 9, 2010

Amy E Warner

TOWN CLERK
TOWN OF ALNA

March 1, 2010

Shoreland Zoning Ordinance
for the
Town of Alna, Maine

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March 1, 2010

Shoreland Zoning Ordinance
for the
Town of Alna, Maine

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial alewife fishing; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated.

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, from the normal high-water line of the non-tidal portion of the Sheepscot River or from the upland edge of the coastal wetland on the tidal portion of the river; within 250 feet, horizontal distance, of the upland edge of freshwater wetlands; within 250 feet, horizontal distance, of the normal high-water line of great ponds; within 75 feet, horizontal distance, of the normal high-water line of a perennial stream; and within 35 feet, horizontal distance, of the normal high-water line of an intermittent stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located beyond the normal high-water line of a water body or within a freshwater wetland.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

A. This Ordinance, which was adopted by the Town Meeting on December 14, 1993 and amended by the Town Meeting on 03/20, 2010 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Town Clerk, shall be

forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within 45 days of his/her receipt of the Ordinance, it shall be automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of this Ordinance if the Ordinance is approved by the Commissioner.

B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

← Row

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(N) in its entirety; and
- Section 17. Definitions, the definitions of "forest management activities", skid trail or road", "slash", "basal area", "cross-sectional area", "DBH", "forest stand", "harvest area", "licensed forester", "residual stand", "windfirm" and "residual basal area".

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Notice of availability of this Ordinance shall be posted.

Section 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

Section 8. Amendments

This Ordinance may be amended by majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of

Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendments. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within 45 days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the town within the 45 day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

1. Resource Protection District
2. Stream Protection District
3. Limited Residential District
4. Head Tide Village District
5. Alewife Fishery District

Except as provided for in section 14, there shall be no Commercial or General Development Districts in the shoreland zone and any commercial or industrial use is prohibited.

B. Intersection of Districts

Where districts intersect, the following order of precedence shall be applicable:

1. Resource Protection District
2. Stream Protection District
3. Limited Residential, Head Tide Village or Alewife Fishery Districts

In all cases where an intermittent stream flows thru any district, that portion of the intermittent stream shall be considered a tributary stream.

C. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

D. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Alna Town Hall.

E. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within 30 days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

District boundary lines are as defined in Section 13. The depiction of the boundaries of the Shoreland Area on the Official Shoreland Zoning Map is merely illustrative of their general location. The exact boundaries of the zone shall be determined by on-site inspection and measurement from the normal high water line or upland edge of a wetland.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance (Administered by the Planning Board)

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted

to become more non-conforming.

B. General

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Applicable permits are required.

3. The Planning Board shall keep and update a record of all expansions and additions.

C. Non-conforming Structures

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

Further Limitations:

a. If any portion of an existing structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a freshwater wetland, that portion of the structure as existed as of 1 January 1989 shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

b. Construction or replacement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that no part of the foundation, excluding exterior foundation entrance bulkhead, extend beyond the existing footprint of the structure and that the foundation does not cause the structure to be elevated by more than three additional feet. The structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below

c. No structure which is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a freshwater wetland shall be expanded toward the water body, tributary stream, or coastal or freshwater wetland.

2. *Relocation:* A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee and that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with Section 15(J) of this Ordinance. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

   Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. *Reconstruction or Replacement:* Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a freshwater or coastal wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

4. Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural

beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(a) above.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five year period.

3 Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of 15 December 1973 may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of

this Ordinance.

3. *Contiguous Lots:* Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Head Tide Village or Alewife Fishery Districts need not be included within the Resource Protection District:

1. Areas within 150 feet, horizontal distance, of the normal high-water line of the Sheepscot River, excepting that area in the Head Tide Village and Alewife Fishery Districts.

2. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer

maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

3. Areas within 150 feet, horizontal distance, of the upland edge of secondary wetlands.

4. Floodplains along the Sheepscot River, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

5. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

6. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

7. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Stream Protection District

The Stream Protection District includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a perennial stream and all land areas within 35 feet, horizontal distance, of the normal high-water line of an intermittent stream exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

C. Limited Residential District

The Limited Residential District includes those areas that have potential for residential development. This district shall include areas from 150 feet to 250 feet, horizontal

distance, of the normal high-water line of the Sheepscot River, excepting that area in the Head Tide Village and Alewife Fishery Districts and areas from 150 feet to 250 feet, horizontal distance, of the upland edge of secondary wetlands. Only certain areas within the Limited Residential District shall be suitable for residential development. These areas shall be called Residential Development Areas and shall meet all of the following criteria.

1. A Residential Development Area shall contain a minimum one-half acre contiguous area where the slope does not exceed 20% except that steeper areas within the Residential Development Area that cumulatively total no more than 3000 square feet are allowable.

2. A Residential Development Area shall be wholly within a single lot of record and shall be wholly within the Limited Residential District.

3. A Residential Development Area shall not contain any floodplain areas of the Sheepscot River.

4. A Residential Development Area shall be no closer than 75 feet, horizontal distance, from the normal high-water line of a tributary stream.

5. A Residential Development Area shall be set back 75 feet, horizontal distance, from the upland edge of any wetland that exceeds 10,000 square feet in area except wetlands as defined in section 13.A.

D. Head Tide Village District

The Head Tide Village District includes all land areas within 250 feet, horizontal distance, of the normal high-water line of the Sheepscot River from Lots 9 and 10 in a northwesterly direction to Lot 21 in a southeasterly direction on Sheet U-2 of the Property Maps along the river's northeasterly shoreline.

E. Alewife Fishery District

The Alewife Fishery District includes the land area within Lot 6 on Sheet U-2 of the Property Maps.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Requires permit issued by the Planning Board or its designee.

LPI - Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection District
LR - Limited Residential District
SP - Stream Protection District
HT - Head Tide Village District
AF - Alewife Fishery District

In addition to a Town of Alna permit, a Department of Environmental Protection permit, under the Natural Resources Protection Act, is required for many of the Land Use activities of Table 1. It is recommended that a permit applicant contact the DEP Land Bureau at 287-2111 for further information prior to starting any activity in, over, or within 75 feet of the Sheepscot River, *a great pond*, a stream or a wetland. Failure to obtain a DEP permit can result in court action and significant fines.

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT				
	SP	RP	LR	HT	AF
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes
4. Timber harvesting	yes	PB	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	PB	PB	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	no	no	no	no
10. Mineral extraction including sand and gravel extraction	no	no	no	no	no
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	no
14. Aquaculture	PB	PB	PB	PB	no
15. Principal structures and uses					
A. One and two family residential, including driveways	PB1	PB6	PB	PB	no
B. Multi-unit residential	no	no	PB	PB	PB ?
C. Commercial	no	no	no	*PB*	no
D. Industrial	no	no	no	no	no
E. Governmental and institutional	no	no	no	no	no
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	PB	PB	PB	no
16. Structures accessory to allowed uses	PB1	PB6	PB	PB	no
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	PB	PB	PB	PB	PB
b. Permanent	no	no	no	no	no LPI
18. Conversions of seasonal residences to year-round residences	PB2	PB7	LPI	LPI	no
19. Home occupations	PB	no	PB	PB	no
20. Private sewage disposal systems for allowed uses	no	LPI	LPI	LPI	no
21. Essential services	PB3	PB3	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	PB	no
24. Individual, private campsites	PB	PB	PB	PB	no
25. Campgrounds	no	no	no	no	no
26. Road, driveway or railroad construction	no4	no4	PB	PB	no
27. Land management roads	*yes*	*PB*	*yes*	*yes*	*yes*
28. Parking facilities	no	no	PB	PB	no
29. Marinas	no	no	no	no	no
30. Filling and earth moving of <10 cubic yards	PB	PB	yes	yes	no
31. Filling and earth moving of >10 cubic yards	PB	PB	PB	PB	no
32. Signs	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	PB	PB	PB	PB	PB
34. Commercial alewive fishing	no	no	no	no	yes
35. Pond construction	PB5	PB	PB	PB	no
36. Repair and upkeep of conforming structures	*yes*	*yes*	*yes*	*yes*	*yes*

1 Provided that a variance from the setback requirement is obtained from the Board of Appeals
2 Provided that the residence has a sewage disposal system that is in accordance with Section 15(J)
3 See further restrictions in Section 15(K)(2)
4 Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP or SP district, in which case a permit is required from the PB.
5 Not allowed on perennial streams
6 One family residential structures and/or accessory structures may be allowed by Special Exception only according to the provisions of Section 16.I, Special Exceptions.
7 Provided that the residence has a sewage disposal system, or that one can be installed, that is in accordance with Section 15(J).

Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

1. A lot shall have a minimum shore frontage of 250 feet and a minimum area of two acres.

2. Land below the normal high-water line of a water body or within a freshwater wetland and land beneath roads serving more than two lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or the upland edge of a freshwater wetland shall be equal to or greater than 250 feet.

5. If more than one residential dwelling unit, ~~or~~ principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, ~~or~~ principal structure, or use.

B. Principal and Accessory Structures

1. There shall be no new principle and accessory structures in the Resource Protection District except as allowed by special exception (see Section 16.I). New principle and accessory structures in the Stream Protection District shall only be allowed provided that a setback variance is obtained from the Board of Appeals. All new principal and accessory structures in the Limited Residential District shall be wholly within a Residential Development Area. All new principal and accessory structures in the Head Tide Village District shall be set back at least 75 feet from the normal high-water line of the Sheepscot River or any tributary stream. Prior to the issuance of a building permit the following shall be accomplished: AF?

a. The permit applicant shall stake out on-site the proposed Residential Development Area if in the Limited Residential District or in a Resource Protection

District or the proposed structure location if in the Head Tide Village District.

b. Once the applicant has staked out these areas, a mandatory Planning Board On-site Inspection shall be conducted. This inspection shall ensure that the location of the Residential Development Area or the proposed structure location is in compliance with this Ordinance. If there is disagreement between the Planning Board and permit applicant in regard to location of the normal high-water line of a waterbody or tributary stream or the upland edge of a freshwater wetland, setbacks from these lines or edges, location of a Residential Development Area or any other issue relating to the on-site determination of the criteria of this Ordinance, the permit applicant shall have the burden of proof.

2. In a Residential Development Area, actual on-site structural location may be anywhere in the area provided that all other setback distances in other town ordinances are complied with.

3. In the Head Tide Village District, actual on-site structural location may vary by a maximum of 30 feet from the location shown on the approved building permit provided that the structure remains in the Head Tide Village District, that the structure remains at least 75 feet, horizontal distance, from the normal high-water line of the Sheepscot River and/or a tributary stream and that all other setback distances in other town ordinances are complied with.

4. Principal or accessory structures and expansions of existing structures which are permitted, shall not exceed 35 feet in height. This provision shall also apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

5. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the 100 year floodplain of the Sheepscot River.

6. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent (seventy (70) percent in Head Tide Village District) of the lot or a portion there of, located within the shoreland zone, including land area previously developed.

7. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Planning Board, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or within a freshwater wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection

Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

8. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in the aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond (Waterward) the Normal High-Water Line of a Water Body or Within a Freshwater Wetland because of a Functional Water Dependent Use

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fisheries.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a freshwater wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a freshwater wetland shall be converted to residential dwelling units in any district.

New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been

obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

D. Campgrounds

Private campgrounds?

There shall be no public campgrounds in the shoreland zone.

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or two acres of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot shall be in accordance with the following locations or setbacks;

a. A recreational vehicle or a parking area for other vehicles shall be located only in a Residential Development Area in the Limited Residential District

b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

4. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required. The Planning Board shall receive and retain a copy of all sewage disposal plans.

5. When a recreational vehicle, tent or similar shelter is placed on-site for more than

one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with Section 15(J) of this Ordinance.

6. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

F. Parking Areas

1. Parking areas in the Limited Residential District shall only be located in a Residential Development Area while in the Head Tide Village District, parking areas shall be located 75 feet from the normal high-water line of the Sheepscot River or a tributary stream and 100 feet from a great pond. The setback requirement for parking areas serving public boat launching facilities, may be reduced to no less than 50 feet from the normal high-water line of a waterbody or tributary stream or the upland edge of a freshwater wetland if the Planning Board finds that no other reasonable alternative exists.

2. Parking areas shall be located, sized and designed to fit harmoniously into the surrounding area. Special attention shall be given to preventing storm water runoff from flowing directly into a water body, freshwater wetland or tributary stream. Runoff should be retained on-site if feasible.

G. Roads, Driveways and Railroads

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. These standards are in addition to applicable Natural Resource Protection Act standards as administered by DEP.

1. Roads and driveways in the Limited Residential District shall be located in a Residential Development Area while roads and driveways in the Head Tide Village District shall be set back at least 75 feet, horizontal distance, from the normal high-water line of the Sheepscot River or a tributary stream and 100 feet from a great pond unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet on slopes of twenty percent or less, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or freshwater wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or freshwater wetland. On slopes of greater than twenty percent, the 50 foot setback shall be increased by ten feet for each

five percent increase in slope above twenty percent. This paragraph shall not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(G)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or freshwater wetland. Additionally, the Wiscasset and Quebec narrow gauge railroad may be reclaimed and restored within the railroad's historic legal right-of-way in existence at the date of enactment of this ordinance regardless of its setback from a waterbody, tributary stream or freshwater wetland.

3. New roads and driveways are prohibited in a Resource Protection or Stream Protection District except to provide access to permitted uses and structures within that district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body or tributary stream or the upland edge of a freshwater wetland.

4. When no other reasonable alternative exists, the Planning Board shall allow new roads or driveways to cross perennial, intermittent or tributary streams to provide access to permitted uses or structures in the shoreland zone. Culverts used in these cases shall be sized according to the recommendations of section E-1 of the Maine Erosion and Sediment Control Best Management Practices, published by the Mane Department of Environmental Protection.

5. Except for retaining walls, road banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection 15(P) of this Ordinance.

6. Road grades shall be no greater than ten percent except for short segments of less than 200 feet.

7. In order to prevent road surface drainage from directly entering water bodies, tributary streams or freshwater wetlands, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of the water body or tributary stream or the upland edge of a freshwater wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized

flow of the drainage through the buffer strip.

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

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

Road Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten percent or less.

c. On road sections having slopes greater than ten percent, ditch relief culverts shall be placed across the road at approximately a thirty degree angle downslope from a line perpendicular to the centerline of the road.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

H. Signs

The following provisions shall govern the use of signs:

1. Signs relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six square feet in area and shall not exceed two signs, which may be two sided per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs shall be permitted, provided such signs shall not exceed two signs per premises and shall not exceed twelve (12) square feet in the aggregate.

3. Residential users may display a single sign not over three square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two square feet in area.

5. Signs relating to public safety shall be permitted without restriction.

6. No sign shall extend higher than twenty feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.

I. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

J. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules) with the following modifications:

a. In the Limited Residential District all subsurface sewage disposal systems shall be installed in a Residential Development Area where the slope is twenty percent or less. As allowed by special exception (see Section 16.I), a subsurface sewage disposal system may be installed in a Residential Development Area that is located in a Resource Protection District. All subsurface sewage disposal systems shall be inspected by a Licensed Plumbing Inspector prior to installation.

b. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland

edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

K. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines, is not permitted in Resource Protection or Stream Protection Districts, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

L. Mineral Exploration and Extraction Operations

1. There shall be no new mineral exploration or extraction operations in the shoreland zone.

2. Existing operations may continue but shall expand no closer than 75 feet to the normal high-water line of the Sheepscot River, a perennial or tributary stream or the upland edge of a freshwater wetland and 35 feet to the normal high-water line of an intermittent stream. Additionally, extraction operations shall not be permitted within 75 feet of any property line, without written permission of the owner of such adjacent property.

3. Within twelve months following the completion of extraction operations at any existing site, where such operations shall be deemed complete when less than 100 cubic yards of material is removed in any consecutive twelve month period, ground levels, grades and site reclamation/stabilization shall be established in accordance with the following;

a. All debris, stumps and similar material shall be removed for disposal in an approved location, or shall be buried on-site.

b. The final graded slope shall be two to one (2:1) slope or flatter.

c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this ordinance, the Planning Board may impose such

conditions as are necessary to minimize the adverse impacts associated with expanded mineral extraction operations on surrounding uses and resources.

M. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209). A copy of these guidelines shall be retained by the Planning Board and will be made available upon request to any individual.

2. Manure shall not be stored or stockpiled within Resource Protection or Stream Protection Districts; nor within 150 feet of the normal high-water line of the Sheepscot River, within 100 feet of a great pond or within 75 feet of a tributary stream in the Head Tide Village District. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. FW's?

3. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within 75 feet, horizontal distance, from the normal high-water line of the Sheepscot River or perennial streams, *within 100 feet of a great pond* or within 25 feet, horizontal distance, of the normal high-water line of intermittent or tributary streams or the upland edge of freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within 75 feet, horizontal distance, of the normal high-water line of the Sheepscot River or perennial streams, within 100 feet of a great pond or within 25 feet, horizontal distance, of the normal high-water line of intermittent or tributary streams or the upland edge of freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which is not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

N. Timber Harvesting

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

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

      i. The ground is frozen;
      ii. There is no resultant soil disturbance;
      iii. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
      iv. There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
      v. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

   b. Beyond the 75 foot strip referred to in Section 15(N)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

2. Except in areas as described in Section 15(N)(1) above, timber harvesting shall conform with the following provisions:

   a. Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter measured at 4 ½ feet above ground level on any lot in any ten year period is permitted. In addition:

      i. Within 75 feet, horizontal distance, of the normal high-water line of the Sheepscot River, perennial or tributary streams, or the upland edge of freshwater wetlands, 100 feet of a great pond and 35 feet, horizontal distance, from the normal high-water line of intermittent streams there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

      ii. At distances greater than 75 feet, horizontal distance, of the normal high-water line of the Sheepscot River or the upland edge of freshwater wetlands, harvesting operations shall not create single clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings

GP's?

exceed 5000 square feet they shall be at least 100 feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within 14 days of the Planning Board's decision.

c. No accumulation of slash shall be left within 50 feet of the normal high-water line of the Sheepscot River or a perennial stream or the upland edge of a freshwater wetland. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high-water line of a water body or the upland edge of a freshwater wetland shall be removed. GPS?

d. Timber harvesting equipment shall not use perennial, intermittent or tributary stream channels as travel routes except when:

i. Surface waters are frozen; and

ii. The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet in width for slopes up to ten percent shall be retained between the exposed mineral soil and the normal high-water line of the Sheepscot River, a perennial stream or a tributary stream or the upland edge of a freshwater wetland and 35 feet, horizontal distance, from the normal high water-line of an intermittent stream. For each ten percent

increase in slope, the unscarified strip shall be increased by 20 feet for the Sheepscot River or a freshwater wetland. The provisions of this paragraph apply only to a face sloping toward the water body or freshwater wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet from the normal high-water line of a water body or the upland edge of a freshwater wetland.

O. Clearing of Vegetation

1. In any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district. In addition, within a strip of land extending 75 feet, horizontal distance, from the normal high-water line of the Sheepscot River, perennial or tributary stream or the upland edge of a freshwater wetland, 100 feet from the normal high-water line of a great pond and 35 feet, horizontal distance, from the normal high-water line of a intermittent stream a buffer strip of vegetation shall be preserved as follows except to allow for development of permitted uses:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy, or other existing woody vegetation if a forested canopy is not present, as measured from the outer limits of the tree crown. However, a footpath not to exceed six feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees" shall be defined as maintaining a rating score of 24 ~~8~~ or more in any 25-foot by 50-foot square (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)

2 ≤ 4 in.	1 point
4 ≤ 8 in.	2 points
8 ≤ 12 in.	4 points
>12 in.	8 points

As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

(4x1)+

(2x2) + (3x4) + (2x8) = 36 points

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36- 24 =12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

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

For the purposes of Section 15(O)(1)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 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 year period.

In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(O) paragraphs (1) and (1)(a) above.

c. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

d. 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, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(O)(1) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

2. At distances greater than 75 feet, horizontal distance, from the normal high-water line of the Sheepscot River, 100 feet from the normal high-water line of a great pond or 75 feet from the upland edge of a freshwater wetland, there shall be permitted on any lot, in any ten year period, selective cutting of not more than forty percent of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses, such as principal and accessory structures, driveways and sewage disposal areas, shall be included in the forty percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

a. In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

3. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

4. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

P. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Planning Board for approval and shall include provisions such as, but not limited to:

a. Mulching and revegetation of disturbed soil.

b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

c. Permanent stabilization structures such as retaining walls or riprap.

The Maine Erosion and Sediment Control Handbook, Best Management Practices

(March 91), shall be the source for these, and all other, provisions relating to erosion and sediment control. The Planning Board shall retain a copy of this handbook.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine months of the initial date of exposure. In addition:

a. Where hay mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established. Other mulch materials are specified in Table 1.1 of the Maine Erosion and Sediment Control Handbook.

b. Anchoring the mulch with netting, peg and twine or other suitable methods to maintain mulch cover shall be required for severe conditions as specified in Table 1.2 of the Maine Erosion and Sediment Control Handbook.

c. Additional measures such as, but not limited to, staked hay bales and/or silt fences shall be taken to avoid siltation into the water.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a fifty year storm and shall be stabilized with vegetation or lined with rip-rap.

Q. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

1. Proposed uses requiring subsurface waste disposal or other similar intensive land

uses, shall require a soils report based on an on-site investigation prepared by state-certified professionals. Certified persons include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine Certified Geologists and other state-certified persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

2. In other cases, not relating to subsurface waste disposal or other similar intensive land uses, where the environmental impact that a proposed land use or structure will have on soils is unknown, the permit applicant shall have the burden of proof. In these cases a soils report by state-certified professionals is required as outlined in the subsection above.

R. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

S. Archaeological and Historic Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission and the Committee for Alna History for review and comment, at least 20 days prior to action being taken by the Planning Board. The Planning Board shall consider comments received from the Commission and the Committee for Alna History prior to rendering a decision on the application.

T. Pond Construction

1. Embankment Ponds shall only be allowed on intermittent or tributary streams. The toe of the embankment and all other parts of the pond shall be setback 75 feet, horizontal distance, from the normal high-water line of the receiving waterbody or upland edge of a freshwater wetland. All parts of excavated Ponds shall be setback 75 feet, horizontal distance, from the normal high-water line of the Sheepscot River or a perennial stream or the upland edge of a freshwater wetland.

2. The sizing of spillway or other overflow devices for a pond shall be based on a fifty year storm and shall meet the requirements contained in Agriculture Handbook Number

590; Ponds-Planning, Design, Construction published by the United States Department of Agriculture. The Planning Board shall retain a copy of this handbook.

3. The periodic cutting of brush or erosion control grasses or the removal of brush and planting of erosion control grasses or aquatic vegetation beneficial to wildlife or other similar activities and practices which will not degrade water quality shall be allowed around the perimeter of ponds as a maintenance operation.

DEP permit

U. Limited Light Commercial/Institutional Usage

Limited Light Commercial Usage is allowed in the Head Tide District only. Usage is limited to reuse of structures that have or have had a prior use as commercial or institutional buildings and where no intermediate residential use has existed.

Section 16. Administration

A. Administering Bodies and Agents

The Code Enforcement Officer, Planning Board and Board of Appeals shall administer this Ordinance.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

A permit is not required for the replacement of an existing road culvert as long as:

1. The replacement culvert is not more than 25% longer than the culvert being replaced;

2. The replacement culvert is not longer than 75 feet;

3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course; and

4. The culvert being replaced is removed to a suitable disposal area.

A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the Planning Board.

2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

3. All applications shall be dated, and the Planning Board shall note upon each application the date and time of its receipt.

4. A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within 35 days of receiving a written application, the Planning Board shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board shall conduct an on-site inspection for all proposed land use activities and then shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board and after the Board's on-site inspection, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial alewife fishing.
8. Will avoid problems associated with flood plain development and use; and
9. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the Town of Alna is responsible for enforcing.

E. Expiration of Permit

Permits shall expire one year from date of issuance if no substantial start is made in construction or in the use of the property during that period . If a substantial start has been made within one year of issuance of the permit, the applicant shall have one additional year to complete the permit, at which time the permit shall expire.

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Appeals

1. Appeal to the Board of Appeals

Appeals to the Board of Appeals shall be governed by the Board of Appeals Ordinance for the Town of Alna with the following modifications, applicable only to this Ordinance. The Board of Appeals shall have the following powers:

a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

b. Variance appeals: To authorize variance upon appeal, within the limitations set forth in this ordinance.

2. Variance Appeals

Variances may be granted only under the following conditions:

a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that:

i. The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

d. Variances may be granted to a dwelling owner for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in ~~on~~ the dwelling. The term "structures necessary for access to or egress from the dwelling " shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

d. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its

own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

(G)

i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

ii. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

iii. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

iv. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of

a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

ii. The person filing the appeal shall have the burden of proof.

iii. The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

2. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F) any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with the Maine Rules of Order, Civil Procedure within 45 days from the date of any decision of the Board of Appeals.

3. Reconsideration.

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

H. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If it is found that any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Board of Selectmen and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance. All complaints shall be documented in writing by the complainee.

c. The Planning Board in tandem with the Code Enforcement Officer shall keep a complete record of all essential transactions relating to this Ordinance, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, fees collected and complaints. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality Control within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Alna. The Board of Selectmen, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear

and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

I. Special Exceptions

In addition to the criteria specified in Section 16.D. above, the Planning Board may allow the location of a Residential Development Area (and consequently approve a permit for a one family residential and/or accessory structure) in a Resource Protection District or partly in a Resource Protection District and partly in a Limited Residential District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Lincoln County Registry of Deeds before the adoption of the Resource Protection District.

3. The proposed location of all buildings, sewage disposal systems and other improvements are:

i. located in a Residential Development Area, as defined.

ii. located on natural ground slopes of less than 20%; and

iii. located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain

ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

4. The total ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures located in the area subject to the special exception is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

5. All structures, except functionally water-dependent structures, are setback to the greatest practical extent, but not less than 75 feet, horizontal distance, from the normal high-water line of a waterbody or the upland edge of a freshwater wetland. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to primary wetlands.

Section 17. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau – State of Maine Department of Conservation's Bureau of Forestry

Campground - any area or tract of land developed for public use to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy - the more or less continuous cover formed by trees crowns in a wooded area.

Coastal Wetland - all tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units and commercial alewife fishing.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway - a vehicular access-way less than 500 feet in length serving two lots or less in the shoreland zone.

Embankment Pond - a pond made by constructing an embankment or dam across a intermittent or tributary stream to impound water. The water in an embankment pond comes primarily from stream flow.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Excavated Pond - a pond constructed by digging or excavating a pit to impound water. The water in a excavated pond comes primarily from groundwater.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodplain - an area within the shoreland zone which corresponds to the 100 year flood and is identified by the flood of record or by soil types identified as recent flood plain soils

Floodplain Wetland - wetlands, other than forested wetlands, of any size within the 100 year floodplain of the Sheepscot River.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Forested wetland - a wetland dominated by woody vegetation that is twenty feet tall or taller.

Foundation - the supporting substructure of a building or other structure excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - A great pond, freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding the Sheepscot River, such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water 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.

Freshwater wetlands are further divided into either primary or secondary wetlands which may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock facilities shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Great Pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of

the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; 2) which employs no more than four persons other than family members residing in the home; and 3) generates no nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, undue parking problems or radiation.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fire places, or tent platforms.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Intermittent Stream - A water course as depicted on the most recent edition of the United States Geological Survey 7.5 minute series topographical map as an intermittent stream.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

Lot - an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Low Intensity Commercial Usage – is allowed in the Head Tide District. This usage must have such character, scale, appearance and operation as to be compatible with the character of the surrounding residential area.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Multi-unit residential - a residential structure containing two or more residential dwelling units.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with the Sheepscot River and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. (NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland." See definition of "upland edge of a wetland".)

Perennial Stream - a free-flowing body of water as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map as a perennial stream.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven months in any period of twelve consecutive months.

Permanent: Structures which remain in or over the water for seven months or more in any period of twelve consecutive months.

Planning Board On-site Inspection - an inspection, prior to the issuance of a permit, by three, or more, members of the Planning Board to determine or confirm such on-site information as the normal high-water line of a water body or tributary stream or the upland edge of a freshwater wetland, the location and extent of a residential development area or any other information that the Planning Board deems necessary to know in reviewing a permit application.

Primary Wetland - a freshwater wetland that is rated as "moderate" or "high" value waterfowl or wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife and that is depicted on a Geographic Information System data layer maintained by either the Maine Department of Inland Fisheries and Wildlife or the Maine Department of Environmental Protection as of December 31, 2008.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential Development Area - An area within the Limited Residential District or an area within the Resource Protection District as allowed by special exception, that meets all of the following criteria and is thereby deemed suitable for residential development.

1. A Residential Development Area shall contain a minimum one-half acre contiguous area where the slope does not exceed 20% except that steeper areas within the area that cumulatively total no more than 3000 square feet are allowable.

2. A Residential Development Area shall be wholly within a single lot of record and shall be wholly within the Limited Residential District except when it is allowed in a Resource Protection District by special exception.

3. A Residential Development Area shall not contain any floodplain areas of the Sheepscot River.

4. A Residential Development Area shall be no closer than 75 feet, horizontal distance, from the normal high-water line of a tributary stream.

5. A Residential Development Area shall be set back 75 feet, horizontal distance, from the upland edge of any wetland that exceeds 10,000 square feet in area.

6. A Residential Development Area shall be set back 100 feet, horizontal distance, from the normal high-water line of a great pond.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented, but not recreational vehicles.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

Riprap - rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

River - a free-flowing body of water including its associated flood-plain wetlands from that point which it provides drainage for a watershed of twenty five (25) square miles.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Secondary Wetland - a freshwater wetland locally identified or identified by the Maine Department of Inland Fisheries and Wildlife and rated "low" or "indeterminate" by this agency.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

   a. 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
   b. the total length of the extension is less than 1,000 feet.

2. in the case of telephone service

   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

   b. the extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream or the upland edge of a freshwater wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on the Sheepscot River, a great pond or a freshwater wetland measured in a straight line between the intersections of the lot

perennial stream

lines with the shoreline at the normal high-water line or upland edge elevation, as applicable.

Shoreland zone - the land area located within 250 feet, horizontal distance, of the normal high-water line of the Sheepscot River and a great pond; within 250 feet of the upland edge of a freshwater wetland; within 75 feet of the normal high-water line of a perennial stream; or within 35 feet of the normal high-water line of an intermittent stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial start - completion of thirty percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of trees for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (N), Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary stream - within the shoreland zone, a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or freshwater wetland. This definition ~~does not apply to a tributary stream and~~ only applies to that portion of an intermittent stream located in the shoreland zone of the Sheepscot River or a freshwater wetland. GP?

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - the Sheepscot River, *a great pond,* a perennial stream or an intermittent stream.

Water Crossing - any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition

includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.