

WARRANT ARTICLE == - Shall an ordinance dated May == and entitled “Amendments to the Land Use Zoning Ordinance to Correct Errors in Consistency with State Mandated Shoreland Zoning” be enacted as follows?

Explanatory Note: *This Article amends the Land Use Zoning Ordinance to become more consistent with mandatory State Shoreland Zoning Rules as required by the Maine Department of Environmental Protection.*

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

- P Use allowed without a permit** (but the use must comply with all applicable land use standards)
- C Use allowed with conditional use approval from the Planning Board**
- X Use is prohibited**
- CEO Use allowed with a permit from the code enforcement officer**

- VR1 VILLAGE RESIDENTIAL ONE
- VR2 VILLAGE RESIDENTIAL TWO
- R1 RESIDENTIAL ONE
- R2 RESIDENTIAL TWO
- SR1 SHORELAND RESIDENTIAL ONE
- SR2 SHORELAND RESIDENTIAL TWO
- SR3 SHORELAND RESIDENTIAL THREE
- SR5 SHORELAND RESIDENTIAL FIVE
- RW2 RURAL OR WOODLAND TWO
- RW3 RURAL OR WOODLAND THREE
- VC VILLAGE COMMERCIAL
- SC SHORELAND COMMERCIAL
- RP RESOURCE PROTECTION
- C CONSERVATION
- SP STREAM PROTECTION

See table of uses on following pages

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| LAND USE: | Districts | | | | | | | | | |
|--------------------|--------------|------------|------------------------------|--------------|----|----|---|----|----|--|
| | VR 1 VR 2 | R 1 R 2 | SR 1 SR 2 SR 3 SR 5 | RW 2 RW 3 | VC | SC | C | RP | SP | |
| RESIDENTIAL | C | C | X | C | C | X | X | X | X | |

| LAND USE: | Districts | | | | | | | | |
|--|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|-----|-----|
| | VR 1 VR 2 | R 1 R 2 | SR 1 SR 2 SR 3 SR 5 | RW 2 RW 3 | VC | SC | C | RP | SP |
| Cluster and Workforce Subdivisions | | | | | | | | | |
| Mobile Home Park | C | X | X | X | X | X | X | X | X |
| (c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit. (d) See Section 6B.4011.3 (Lots) | | | | | | | | | |
| COMMERCIAL | | | | | | | | | |
| Timber harvesting ¹⁰ | CEO or G ¹⁰ NA | CEO or G ¹⁰ NA | CEO or G ¹⁰ NA | CEO or G ¹⁰ NA | CEO or G ¹⁰ NA | CEO or G ¹⁰ NA | CEO or G ¹⁰ NA | XNA | XNA |
| MISCELLANEOUS | | | | | | | | | |
| Forest Management Activities except for timber harvesting & land management roads | P | P | CEO | P | P | P | P | X | P |
| Land management roads | P | P | CEO | P | P | P | P | C | C |

Note: Some footnotes have been deleted. – namely 1,2,3 & 5. 4,6,7,8 & 9 retained.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals; otherwise the setback is 75 feet. Any Excavation or Filling must be limited to that necessary for the construction of approved structures.

⁶ See further restrictions in Section 6C.5.2

⁷ Only as provided in Section 6C.9.3

⁸ Single family residential structures may be allowed by special exception only according to the provisions of Section 7.5.3, Special Exceptions. Two-family residential structures are prohibited.

⁹ Permit not required but must file a written “notice of intent to construct” with CEO.

¹⁰ Timber Harvesting is regulated by the Bureau of Forestry in the Department of Agriculture, Conservation and Forestry.

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Section 3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc.

| DISTRICTS | SR1 see Note (f) | SR2 see Note (f) | SR3 see Note (f) | SR5 see Note (f) |
|---|------------------|------------------|------------------|------------------|
| DIMENSIONS see Notes (b) (h²) | | | | |
| MINIMUM LOT AREA: with public sewer | 1 acre | 2 acres | 3 acres | 5 acres |
| without public sewer | N/A | 2 acres | 3 acres | 5 acres |
| MINIMUM WIDTH OF LOTS: Shore Frontage | 250200 ft. | 250200 ft. | 250200 ft. | 250200 ft. |
| SETBACKS FROM: normal high water line of a water body (stream), tributary stream or upland edge of a wetland | 75 ft. | 75 ft. | 75 ft. | 75 ft. |
| Great Ponds (n) | 100 ft. (n) | 100 ft. (n) | 100 ft. (n) | 100 ft. (n) |
| public or private road* | 50 ft. | 50 ft. | 50 ft. | 50 ft. |
| property lines (d)** * see Note (c) ** see Note (d) | 25 ft. | 25 ft. | 25 ft. | 25 ft. |
| MAXIMUM LOT COVERAGE | 45% 20% | 45% 20% | 45% 20% | 45% 20% |
| MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS | 30 ft. | 30 ft. | 30 ft. | 30 ft. |

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(f) Within the shoreland zone: No new lot shall be created except in conformity with all of the requirements of this Ordinance for the district in which it is located. In addition to shore frontage, refer to Section 6B.4011.4.3 for the required minimum lot width. For the required measurements, refer to shore frontage and minimum lot width in Section 8. When a legally existing parcel does not contain any shore frontage, the lot may be divided such that the newly created lots do not contain any shore frontage as otherwise required in Sections 3.5 and 6B.11.4.3, provided that all other minimum lot dimensional standards are met, including but not limited to lot area and minimum lot width.

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6A GENERAL PERFORMANCE STANDARDS

6A.8 Vegetation

1. **Clearing.** Clearing of trees or conversion to other vegetation is allowed for permitted construction provided that:
 1. Appropriate measures are taken, if necessary, to prevent erosion when activity is undertaken.
 2. The activity is in conformity with Section 6C.3, clearing or removal of vegetation for activities other than timber harvesting.
2. **Tree removal near town or state roads.** Removal of more than 25% of the trees within 25 feet of any town or state road in any 12 month period (except for those required to complete permitted construction) shall require a Conditional Use Approval of the Planning Board. Other woody plants must be retained or replaced with native species.
3. **Slash.** No accumulation of slash shall be left within 50 feet of any town or state road or within 50 feet of the normal high-water line of any water body, and in shoreland zone shall comply with the standards of Section 6C.3. Slash shall be disposed of so that no part extends more than 4 feet above the ground.
4. **CEO Permit.** A CEO Permit is required for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is greater than 10 cords but less than 50 cords in any one year period.

5. **Conditional Use Approval.** Conditional Use Approval is required from the Planning Board for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is 50 cords or more in any one year period.

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.9 Individual Private Campsites.

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. 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.
4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
5. 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.
6. 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.
7. 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 the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

6B.910 Home occupations and home offices

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6B.101 Lots

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6B.142 Manufactured Homes

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6B.123 Mineral Extraction and Exploration
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6B.134 Mobile Homes (temporary), Campers, Trailers and Recreational Vehicles
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6B.145 Sanitary Standards
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6B.156 Sign Regulations
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6B.167 Vehicles, Unregistered
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6B.178 Wireless Communication Facilities
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6B.189. Animal Husbandry & Animal Husbandry 2

SHORELAND ZONING STANDARDS

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6C.3 Clearing or Removal of Vegetation For Activities Other Than Timber Harvesting
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7. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

1. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty

(250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

2. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

3. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

4. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

5. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

1. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two

hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

2. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

8. Exemptions to Clearing and Vegetation Removal Requirements. The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;

3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;

5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

1. A coastal wetland; or

2. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

1. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

2. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

3. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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

7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

9. Revegetation Requirements. When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the

vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

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

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

1. All trees and saplings removed must be replaced with native noninvasive species:

2. Replacement vegetation must at a minimum consist of saplings:

3. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used:

4. No one species shall make up 50% or more of the number of trees and saplings planted:

5. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

6. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

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

1. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
2. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
3. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
4. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
5. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

1. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
2. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
3. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

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6C.7 Marine and Freshwater Structure Performance Standards

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5. **No new structures.** No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or

within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

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6C.11 Timber Harvesting

~~1. **Resource Protection and Stream Protection Districts.** In the Resource Protection and Stream Protection Districts, timber harvesting is prohibited.~~

~~2. **Areas other than Resource Protection or Stream Protection.** Except in areas as described in Section 6C.11.1. above, timber harvesting shall conform with the following provisions:~~

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

~~1. **No clearcuts within shoreline setback.** Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~

~~2. **Cleared openings farther than shoreline setback.** At distances greater than one hundred (100) feet, horizontal distance, of a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~

~~2. **Harvesting in excess of 40%.** Timber harvesting operations exceeding the 40% limitation in Section 6C.11.2.1 above may be~~

allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

3. Accumulation of slash. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

4. Stream channel travel prohibited. Timber harvesting equipment shall not use stream channels as travel routes except when:

1. Surface waters are frozen; and

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

5. Crossing of flowing water. 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.

6. Skid trail runoff. 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.

7. Soil exposure setback. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal

distance, from the normal high-water line of a water body or upland edge of a wetland.

6C.4211 Water Quality

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SECTION 7 CODE ENFORCEMENT OFFICER

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7.5 Procedure for Administering Permits

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3. **Special Exceptions.** In addition to the criteria specified in Section 5.9 above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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4. The total **footprint ground floor area**, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1500 square feet. This limitation shall not be altered by variance.

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SECTION 8 DEFINITIONS

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BUREAU OF FORESTRY: State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

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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 Association. Coastal wetlands may include portions of coastal sand dunes. **All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt**

marshes and salt meadows.

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EXPANSION OF A STRUCTURE: An increase in the footprint floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

EXPANSION OF A USE: The additional use of more floor footprint of a structure, land or water area devoted to a particular use; additional one or more weeks of the use's operating season; or additional business hours of operation.

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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.~~

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FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not 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 -related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, shoreline structures necessary or erosion control purposes, 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 that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water dependent use.

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HAZARD TREE: a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events.

Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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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.

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

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NON-NATIVE INVASIVE SPECIES OF VEGETATION: species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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OUTLET STREAM: any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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PRINCIPAL STRUCTURE OR USE: A structure or use other than one which is wholly incidental or accessory to another structure or use on the same premises-lot.

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SAPLING: a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

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SEEDLING: a young tree species that is less than four and one half (4.5) feet in height above ground level.

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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.

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STORM-DAMAGED TREE: a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

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STRUCTURE: Anything temporarily or permanently located, built, constructed or erected, as a permanent fixture on, above, or below the surface of the land, or water, including a porch, deck or patio. Anything constructed or erected that would be considered a structure but for the fact that it is temporary and not permanent which is within the shoreland zone as defined will also be considered a structure. The term structure shall not include flagpoles, church steeples, poles customarily used for the transmission of electricity, solar panels, television antennas, mailboxes radio antennas, driveways, roads, and subsurface wastewater disposal systems and wells. Sign posts, as referenced in the "Ordinance Regulating the Building and Street Numbering in the Town of Mount Desert", shall not be included as structures.

A. Permanent: A building or structure that is intended to remain in place for a period of more than 180 days in any consecutive 12-month period.

B. Temporary: A building or structure not meeting the definition of permanent.

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TREE: A woody perennial plant whose trunk is 4" in diameter or more, measured at 4½' above ground level. A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity. fixed exterior wall planes as measured from the exterior faces of these walls and roof. (Excluding foundations, but including basements as defined in this section.)