freshwater wetlands, and coastal wetlands, and tidal waters throughout the State, unless exempt in Section 3. B. of this rule.

B. EXEMPTION. This rule does not govern timber harvesting and related activities in forested wetlands, unless the forested wetlands lie within a Shoreland area.

C. RELATIONSHIP TO OTHER LEGAL REQUIREMENTS. Whenever provisions of this rule are less stringent than corresponding provisions of applicable federal, state, or municipal legal requirements, the more stringent provision shall apply.

SUBSECTION 2. SHORELINE INTEGRITY AND SEDIMENTATION

A. APPLICABILITY. The requirements of Section 5 apply to all timber harvesting and related activities conducted in all Shoreland areas as defined in this rule.

B. STANDARDS. Persons conducting timber harvesting and related activities in Shoreland areas must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected. This section does not apply to crossings of water bodies conducted in compliance with Section 11 of this rule.

SUBSECTION 3. SLASH TREATMENT

A. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high water line of any water body. This section does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

B. No accumulation of slash shall be left within 50 feet of:
   1. the normal high water line of Great Ponds, rivers, non-forested wetlands larger than 10 acres, and tidal waters in the jurisdiction of the Land Use Regulation Commission; and,
   2. the normal high water line of Great Ponds, rivers, non-forested wetlands larger than 10 acres, and tidal waters in municipalities not subject to the jurisdiction of the Land Use Regulation Commission.

Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil may be left in place, provided no part thereof extends more than 4 feet above the ground.

C. Between 50 feet and 250 feet of the normal high water line of a water body identified in subsection 6.B. above, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

SUBSECTION 4. STANDARDS FOR TIMBER HARVESTING AND RELATED ACTIVITIES IN SHORELAND AREAS REQUIRING A 250-FOOT ZONE

A. APPLICABILITY. The requirements of Section 7 apply to all timber harvesting and related activities in Shoreland areas within 250 feet, horizontal distance, of the normal high water line of:

1. Rivers below the 50 square mile drainage point in the jurisdiction of the Land Use Regulation Commission

2. Rivers below the 25 square mile drainage point in municipalities not subject to the
jurisdiction of the Land Use Regulation Commission;

3. Great Ponds and non-forested freshwater wetlands 10 acres or larger;

4. Any coastal wetland or tidal water; and,

5. Any size pond or freshwater wetland identified by the Department of Inland Fisheries and Wildlife as significant wildlife habitat or essential wildlife habitat.

B. SHADE AND TREE RETENTION STANDARDS.

Timber harvesting and related activities in Shoreland areas subject to the requirements of Section 7 must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. The requirements of this section may be satisfied by following one of the following three options:

1. **Option 1 (40% volume removal), which requires:**
   a. Harvesting of no more than 40 percent of the total volume on each acre involved of trees 4.5 inches DBH or greater in any 10 year period is permitted.

   For the purposes of these standards volume may be considered to be equivalent to basal area;

   b. A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

   c. Within 75 feet, horizontal distance, of the normal high water line of shoreland areas regulated under this section, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high water line, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet apart. Such cleared openings will be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered equivalent to basal area.

2. **Option 2 (60 square foot basal area retention), which requires:**
   a. The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;

   b. A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

   c. Within 75 feet, horizontal distance, of the normal high water line of Shoreland areas regulated under this section, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high water line, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet apart. Such cleared openings will be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered equivalent to basal area.

3. **Option 3 (outcome based), which requires:** An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the Bureau and Town and approved by the Bureau and Town, which provides equal or better protection of the Shoreland area than this rule.
Landowners must designate on the Forest Operations Notification form required by 12 MRSA, chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance with this section will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the required application.

The Town, their designee and/or the Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

**SUBSECTION 5. STANDARDS FOR TIMBER HARVESTING AND RELATED ACTIVITIES IN SHORELAND AREAS REQUIRING A 75-FOOT ZONE**

**A. APPLICABILITY.** The requirements of Section 8 apply to all timber harvesting and related activities in Shoreland areas within 75 feet, horizontal distance, of the normal high water line of:

1. Streams between the 300 acre drainage point and the 50 square mile drainage point in the jurisdiction of the Land Use Regulation Commission; and,

2. Between the 300 acre drainage point and the 25 square mile drainage point in municipalities not subject to the jurisdiction of the Land Use Regulation Commission.

**B. SHADE AND TREE RETENTION STANDARDS.**

Timber harvesting and related activities in Shoreland areas subject to the requirements of Section 8 must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. The requirements of this section may be satisfied by following one of the following three options:

1. **Option 1 (40% volume removal), which requires:**
   a. Harvesting of no more than 40 percent of the total volume on each acre involved of trees 4.5 inches DBH or greater in any 10 year period is permitted. For the purposes of these standards volume may be considered to be equivalent to basal area;
   b. A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
   c. There must be no cleared openings.

2. **Option 2 (60 square foot basal area retention), which requires:**
   a. The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
   b. A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
   c. There must be no cleared openings.

3. **Option 3 (outcome based), which requires:** An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the Bureau and approved by the Bureau, which provides equal or better protection of the Shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 MRSA, chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance with this section will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities
may not begin until the Town, their designee, and/or the Bureau has approved the required
application. The Town, their designee, and/or the Bureau may verify that adequate tree cover
and a well-distributed stand of trees is retained through a field procedure that uses sample
plots that are located randomly or systematically to provide a fair representation of the
harvest area.

SUBSECTION 6. SKID TRAILS, YARDS, AND EQUIPMENT OPERATION

A. APPLICABILITY. The requirements of Section 9 apply to the construction,
maintenance, and use of skid trails and yards in Shoreland areas. This section does not
apply to crossings of water bodies conducted in compliance with Section 11 of this rule.

B. STREAM CHANNELS. Equipment used in timber harvesting and related activities shall
not use stream channels as travel routes except when:

1. surface waters are frozen and snow covered; and,

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

C. DESIGN, CONSTRUCTION, AND CLOSEOUT. Skid trails and yards must be
designed and constructed to prevent sediment and concentrated water runoff from
entering a water body. Upon termination of their use, skid trails and yards must be
stabilized.

D. SETBACKS.

1. Except for crossings of stream channels or freshwater wetlands, equipment used in
timber harvesting and related activities, including but not limited to the use of skid
trails and yards, must be operated to avoid the exposure of mineral soil within 25 feet
of any water body or wetland regulated by this rule. On slopes of 10 percent or
greater, the setback for equipment operation must be increased by 20 feet, plus an
additional 10 feet for each 5 percent increase in slope above 10 percent. These
requirements are presented in an alternative format in the slope table in Section 12 of
this rule.

2. The provisions of this subsection apply only to a face sloping toward the water body or
freshwater or coastal wetland, provided, however, that no portion of such exposed
mineral soil on a back face is closer than 25 feet from the normal high water line of a
water body or upland edge of a freshwater or coastal wetland. The setback
requirements of this subsection shall not apply to skid trail approaches to crossings of
stream channels or freshwater wetlands.

3. Where such setbacks are impracticable, appropriate techniques shall be used to avoid
sedimentation of the water body or wetland. Such techniques may include the
installation of sump holes or settling basins, and/or the effective use of additional
ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the
water body or wetland. If, despite such precautions, sedimentation or the disruption of
shoreline integrity occurs, such conditions must be corrected.

Exception. Timber harvesting and related activities in Shoreland areas of streams
draining less than 300 acres and wetlands adjacent to such streams may be conducted in a
manner not in conformity with the setback requirements of the foregoing subsections
provided persons conducting such activities take reasonable measures to avoid the
disruption of shoreline integrity, the occurrence of sedimentation of water, and the
disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and
wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation
of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying
within ponds and wetlands occurs, such conditions must be corrected.
SUBSECTION 7. LAND MANAGEMENT ROAD CONSTRUCTION AND MAINTENANCE STANDARDS

A. APPLICABILITY. The requirements of Section 10 apply to the construction, maintenance, and use of land management roads in Shoreland areas. This section does not apply to crossings of water bodies conducted in compliance with Section 11 of this rule.

B. ROAD DESIGN, CONSTRUCTION, AND MAINTENANCE. Land management roads, including approaches to crossings of stream channels and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body. Surface water on or adjacent to crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse. Because roadside ditches may not extend to the resource being crossed, filter strips must be established in accordance with the slope table in Section 12 of this rule.

C. SETBACKS. Land management roads and associated ditches, excavation, and fill must be set back at least:

1. 100 feet from the normal high-water line of a Great Pond or a river that flows to a Great Pond, rivers draining more than 50 square miles in the jurisdiction of the Land Use Regulation Commission, rivers draining more than 25 square miles in municipalities not subject to the jurisdiction of the Land Use Regulation Commission, non-forested freshwater wetlands 10 acres or larger, any coastal wetland or tidal water, and any pond or freshwater wetland identified by the Department of Inland Fisheries and Wildlife as significant wildlife habitat or essential wildlife habitat;

2. 50 feet from the normal high water line of streams draining more than 300 acres but less than 50 square miles in the jurisdiction of the Land Use Regulation Commission and streams below the 300 acre drainage but above the 25 square mile drainage point in municipalities not subject to the jurisdiction of the Land Use Regulation Commission;

3. 25 feet from the normal high water line of streams draining less than 300 acres and ponds or freshwater wetlands larger than 4,300 square feet but less than 10 acres that are not identified by the Department of Inland Fisheries and Wildlife as significant wildlife habitat or essential wildlife habitat.

4. Exceptions:

a. The minimum 100 foot setback specified in subsection 1 above may be reduced to no less than 50 feet, if, prior to construction, the landowner or the landowner’s designated agent demonstrates to the Bureau’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body. 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 to avoid sedimentation of the water body. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

b. The minimum 50 foot setback specified in subsection 2 above may be reduced to no less than 25 feet, if, prior to construction, the landowner or the landowner’s designated agent demonstrates to the Bureau’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body. 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 to avoid sedimentation of the water body or the
disruption of shoreline integrity. If, despite such precautions, sedimentation or the
disruption of shoreline integrity occurs, such conditions must be corrected.

5. On slopes of 10 percent or greater, the land management road setback must be increased
by at least 20 feet, plus an additional 10 feet for each 5 percent increase in slope above 10
percent, but in no case may the land management road setback be less than that indicated
in the slope table presented in Section 12 of this rule.

6. New land management roads are not permitted within the Shoreland area along
Significant River Segments as identified in 38 MRSA, chapter 3, subchapter 1, article 2-
B, nor in Resource Protection Districts as identified in municipal Shoreland zoning
ordinances nor in Recreation Protection Subdistricts (P-RR) as identified by the Land Use
Regulation Commission, unless, prior to construction, the landowner or the landowner’s
designated agent makes a clear demonstration to the Bureau’s satisfaction that no
reasonable alternative route exists outside the Shoreland zone, and that the new road must
be set back as far as practicable from the normal high water line and screened from the
river by existing vegetation.

D. MAINTENANCE. Ditches, culverts, bridges, dips, water turnouts and other water control
installations associated with roads must be maintained on a regular basis to assure effective
functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified
filter strip no less than the width indicated in the slope table set forth in Section 12 of this
rule. Where such filter strip is impracticable, appropriate techniques shall be used to avoid
sedimentation of the water body or wetland. Such techniques may include the installation of
sump holes or settling basins, and/or the effective use of additional ditch relief culverts and
ditch water turnouts placed to avoid sedimentation of the water body or wetland. If, despite
such precautions, sedimentation or the disruption of shoreline integrity occurs, such
conditions must be corrected.

E. ROAD CLOSEOUT AND DISCONTINUANCE. Maintenance of the water control
installations required above must continue until use of the road is discontinued and the road
is put to bed by effective installation of water bars or other adequate road drainage structures
at appropriate intervals, constructed to avoid surface water flowing over or under the water
bar, and extending sufficient distance beyond the traveled way so that water does not reenter
the road surface.

F. UPGRADING EXISTING ROADS. Extension or enlargement of presently existing roads
must conform to the provisions of this section. Any nonconforming existing road may
continue to exist and to be maintained, as long as the nonconforming conditions are not made
more nonconforming.

Exception. Extension or enlargement of presently existing roads need not conform to the
setback requirements of Section 10.C if, prior to extension or enlargement, the landowner or
the landowner’s designated agent demonstrates to the Bureau’s satisfaction that no
reasonable alternative exists and that appropriate techniques will be used to prevent
sedimentation of the water body. 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 to avoid sedimentation of the water body. If, despite such precautions,
sedimentation or the disruption of shoreline integrity occurs, such conditions must be
corrected.

G. ADDITIONAL MEASURES. In addition to the foregoing minimum requirements, persons
undertaking construction and maintenance of roads and stream crossings must take
reasonable measures to avoid sedimentation of surface waters.
SUBSECTION 8. CROSSINGS OF WATER BODIES

A. APPLICABILITY. The requirements of Section 11 apply to all crossings of stream channels, rivers, ponds, lakes, Great Ponds, non-forested freshwater wetlands, coastal wetlands, tidal waters, and freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as significant wildlife habitat or essential wildlife habitat.

B. ALL CROSSINGS.

1. Crossings must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal stream flows.


3. Upgrading existing crossings. Extension or enlargement of presently existing crossings must conform to the provisions of this section. Any nonconforming existing crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high water line must conform to the provisions of this section.

4. Other Agency Permits.
   a. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on water bodies other than a stream channel or river, including crossings of Significant River Segments and freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as significant wildlife habitat or essential wildlife habitat, may require a permit from one or more of the following: the Land Use Regulation Commission, the Department of Environmental Protection, and the US Army Corps of Engineers. When a permit is required, the crossing is not required to meet the standards of this section provided it conforms with all applicable state and federal requirements and any permit conditions.
   b. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.

5. Notice to Town/Bureau. Notification to the Town and Bureau is required prior to construction, maintenance, alteration, and replacement of crossings. Written notice of all temporary and permanent water body crossing construction, maintenance, alteration, and replacement activities in Shoreland areas regulated by this rule must be given to the Town and Bureau prior to the commencement of such activities. Multiple crossings within one township or municipality may be submitted on one notification form. Such notice must contain all information required by the Town, their designee, and the Bureau, including:
   a. a map showing the location of all proposed permanent crossings;
   b. the GPS location of all proposed permanent crossings;
c. for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and,

d. a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this chapter.

C. SKID TRAIL CROSSINGS.

1. Design and Construction.

a. All skid trail crossings of streams and rivers below the 25 square mile drainage point require a bridge or culvert sized according to the requirements of subsection 2 below.

b. Streams above the 25 square mile drainage point may be crossed using temporary structures that are not bridges or culverts but which meet the requirements of the following subsection c; or

i. when stream channels are frozen and snow-covered; or

ii. when stream channels are composed of a hard surface which will not be eroded or otherwise damaged.

c. All skid trail crossings of streams must be designed, constructed, and maintained, such that:

i. sedimentation of surface waters is reasonably avoided;

ii. there is no substantial disturbance of the bank or stream channel;

iii. fish passage is not impeded; and,

iv. water flow is not unreasonably impeded.

2. Bridge and Culvert Sizing. The following requirements apply to skid trail crossings of stream channels when surface waters are unfrozen:

a. Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the stream channel.

b. Temporary bridge and culvert sizes may be smaller than provided in subsection a above if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body is avoided. Such crossing structures must be at least as wide as the channel and, if not culverts, placed above the normal high water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

i. use of temporary skidder bridges;

ii. removing culverts prior to the onset of frozen ground conditions;

iii. using water bars in conjunction with culverts;

iv. using road dips in conjunction with culverts.

c. Culverts utilized in stream crossings must:

i. be installed at or below stream bed elevation;

ii. be seated on firm ground;
iii. have soil compacted at least halfway up the side of the culvert;
iv. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer’s specifications, whichever is greater; and
v. have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.

d. Stream crossings allowed under this section, but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a crossing may be required to pass a 100-year flood event.

3. Closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
a. Bridges and culverts installed for stream crossings by skid trails must either:
   i. comply with the standards for stream channel crossings by land management roads as set forth in this rule, or
   ii. be removed and areas of exposed soil stabilized.
b. Crossing structures that are not bridges or culverts must either:
   i. be removed immediately following timber harvesting and related activities, or,
   ii. if frozen into the stream bed or bank, as soon as practical after snowmelt.
c. Stream channels, banks and approaches to crossings of water bodies must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

4. Freshwater wetlands. Skid trail crossings, other than those areas below the normal high water line of water bodies, must avoid freshwater wetlands and must maintain the existing hydrology of such wetlands, unless there are no reasonable alternatives, as determined by the Bureau in a written decision prior to construction.

5. Exception. Timber harvesting and related activities in Shoreland areas of streams draining less than 300 acres and wetlands adjacent to such streams may be conducted in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

D. LAND MANAGEMENT ROAD STREAM CROSSINGS.

1. Design, construction, and maintenance. Land management road stream channel crossings, including approaches to stream channel crossings, ditches and other related structures, must be designed, constructed, and maintained such that:
a. concentrated water runoff does not enter the water body or tributary stream;
b. sedimentation of surface waters is reasonably avoided;
c. there is no substantial disturbance of the stream bank or stream channel not directly 
   associated with culvert or bridge installation;
d. fish passage is not impeded; and,
e. water flow is not unreasonably impeded.

2. Bridge and culvert sizing. The following requirements apply to land management 
   road crossings of stream channels when surface waters are unfrozen:

   a. Bridges and culverts must be installed and maintained to provide an opening 
      sufficient in size and structure to accommodate 10 year frequency water flows or 
      with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of 
      the stream channel.

   b. Culverts utilized in stream crossings must:

      i. be installed at or below stream bed elevation;
      ii. be seated on firm ground;
      iii. have soil compacted at least halfway up the side of the culvert;
      iv. be covered by soil to a minimum depth of 1 foot or according to the culvert 
          manufacturer’s specifications, whichever is greater; and
      v. have a headwall at the inlet end which is adequately stabilized by rip-rap or 
         other suitable means to reasonably avoid erosion of material around the 
         culvert.

NOTE: For guidance on reasonable measures, consult the Bureau publication, “Best 
publication is available from the Bureau and on the Bureau’s website, 
www.maineforestservice.org.

c. Temporary bridge and culvert sizes may be smaller than provided in subsection a 
   above if techniques are effectively employed such that in the event of culvert or 
   bridge failure, the natural course of water flow is maintained and sedimentation of 
   the water body is avoided. Such crossing structures must be at least as wide as the 
   channel and, if not culverts, placed above the normal high water line. Techniques 
   may include, but are not limited to, the effective use of any, a combination of, or 
   all of the following:

      i. use of temporary skidder bridges;
      ii. removing culverts prior to the onset of frozen ground conditions;
      iii. using water bars in conjunction with culverts; and/or,
      iv. using road dips in conjunction with culverts.

3. Stream crossings allowed under this section, but located in flood hazard areas (i.e. A 
   zones) as identified on a community’s Flood Insurance Rate Maps (FIRM) or Flood 
   Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter 
   standards contained in that community’s National Flood Insurance Program (NFIP). 
   For example, a crossing may be required to pass a 100-year flood event.

4. Road closeout and discontinuance. Maintenance of the water control installations
required above must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

a. Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

b. Crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body.

c. Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

   i. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;

   ii. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the stream channel; or

   iii. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the water body.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

5. Freshwater wetlands. Land management road crossings, other than those areas below the normal high water line of water bodies, must avoid freshwater wetlands and must maintain the existing hydrology of such wetlands, unless there are no reasonable alternatives, as determined by the Town, their designee, and the Bureau in a written decision.

SUBSECTION 9. SLOPE TABLE

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in the rule, but in no case shall be less than shown in the following table.

<table>
<thead>
<tr>
<th>Average slope of land between exposed mineral soil and normal high water line (percent)</th>
<th>Width of strip between exposed mineral soil and normal high water line (feet along surface of the ground)</th>
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</thead>
<tbody>
<tr>
<td>0</td>
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</tr>
<tr>
<td>70</td>
<td>165</td>
</tr>
</tbody>
</table>
SUBSECTION 10. VARIANCE

A variance to the strict application of this rule may be granted as specified in MFS Rule Chapter 20 (Forest Regeneration and Clearcutting Standards, Section 6), but must be approved by the Town and the Bureau.

SUBSECTION 11. VIOLATIONS

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders, contracts for, or conducts any activity in violation of this rule commits a civil violation, and shall be penalized in accordance with 12 MRSA, chapter 809.

SECTION 15. CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING.

A. Within a Resource Protection District abutting a great pond, no cutting or removal of vegetation is permitted within the strip of land extending 100 feet horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the clearing of vegetation must be limited to that which is necessary for uses expressly authorized in that district.

B. Except in areas as described in Paragraph A, above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-waterline of a great pond classified GPA or a river flowing to a great pond classified GPA, and 100 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation must be preserved as follows:

1. There must be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 6 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.

2. Minimal cutting of trees within the buffer strip is permitted (e.g. safety hazards, dead trees) provided that a well distributed stand of trees is maintained. For the purposes of this section a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA is defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system:

<table>
<thead>
<tr>
<th>Diameter of tree at 4 1/2 feet above ground</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 to 4 inches</td>
<td>1 point</td>
</tr>
<tr>
<td>more than 4 inches and up to 12 inches</td>
<td>2 points</td>
</tr>
<tr>
<td>more than 12 inches</td>
<td>4 points</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

Note: As an example, adjacent to a great pond, if a 25 foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is: \((3 \times 1) + (3 \times 2) + (3 \times 4) = 21\) points.

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points \((21 - 12 = 9)\) may be removed from the plot provided that no cleared openings are created.

3. Within a strip of land extending 100 feet, horizontal distance, inland from the normal highwater line of a great pond classified GPA, a river flowing to a great pond classified GPA...
GPA, and within 100 feet of any other waterbody or wetland, existing vegetation under three (3) feet in height and other ground cover may not be removed, except to provide for a footpath or other permitted uses as described in paragraph 2 above. In addition, within 100 feet, horizontal distance of the above noted waterbodies and wetlands, at least three (3) saplings less than two (2) inches in diameter at four and one-half (1/2) feet above ground level must be retained in each 25-foot by 25-foot rectangular area described in Article 8 Section 15 (B)(2) of the Ordinance. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

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

5. 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 must be replanted with native tree species unless existing new tree growth is present.

6. The provisions contained in paragraph B (1), (2), (3), (4), and (5), above; do not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the area necessary. A vegetated buffer area is required to offset any loss of vegetation.

C. At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 100 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, cutting of trees and removal of vegetation is permitted for approved uses such as residential construction, accessory structures, driveways, underground waste water systems, other approved structures and paths. Timber harvesting may be allowed as described in Section 14(A) and (B), above.

In no event can cleared openings for development in Protected Districts, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 20% of the lot area or 10,000 square feet, whichever is greater, including land previously developed. (See Dimensional Chart, Article VII, Section 6.)

D. Cleared opening(s) legally in existence on the effective date of this ordinance may be maintained, but shall not be enlarged, except as permitted by this ordinance. For the purposes of this section, maintained shall mean at least once every 18 months.

SECTION 16. EROSION AND SEDIMENTATION CONTROL

A. All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

1. Mulching and re-vegetation of disturbed soil;

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

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

B. 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.
C. 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.

D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) 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 9 months of the initial date of exposure. In addition:
1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

SECTION 17. 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. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other 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.

SECTION 18. 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 of the water classification of the water body.

SECTION 19. ARCHAEOLOGICAL, HISTORIC, WILDLIFE HABITAT, SCENIC AREAS AND RARE AREAS AND RARE AND NATURAL AREAS

If any archeological, historic, wildlife habitat scenic area or rare and natural areas are located in the proposed developed area, a protection plan shall be developed in accordance with the following:
A. If any portion of the developed area is designated as a significant archeological or historic site by the Maine Historic Preservation Commission, Fayette Comprehensive Plan or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

B. If any portion of the developed area is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas Program or the Fayette Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

C. If any portion of the developed area is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife areas include the following:

1. Habitat for endangered species appearing on the official state or federal list of endangered or threatened species.

2. Moderate or high value waterfowl and wading bird habitats, including nesting and feeding areas, as defined by the Maine Department of Inland Fisheries and Wildlife.

3. High and moderate deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

SECTION 20. AQUIFERS

Any development proposed within a Sand and Gravel Aquifer or significant bedrock aquifers as identified in the Fayette Comprehensive Plan shall be designed and constructed so as not to cause any pollution or contamination of the aquifer. A ground water protection plan developed by a certified hydrologist shall be required for the following development proposals: industrial use; manufacturing facility, auto junkyard; auto repair, chemical storage or processing facility; oil or fuel storage facility; truck repair; and, any structure with oil, fuel or chemical storage that exceeds a total of 1,000 gallons for the entire site.

SECTION 21. HOME OCCUPATION

A. Home occupations are business or commercial activities that are conducted in a dwelling by one or more family members residing in the home. The specific occupation must be compatible with the residential character of both the building and the neighborhood. The home occupation use is designed for low impact business activities that can co-exist with residential neighborhoods without causing noise, odors, excessive traffic or detract from the comfort and expectations of homeowners.

B. The use of a dwelling shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses. The home occupation shall be carried on wholly within the principal building or within a building or other structure accessory to it. The outside storage and processing of materials or products shall be prohibited.

C. All necessary parking shall be provided off the street. The traffic generated by the home occupation shall not create greater traffic than normal for the area in which it is located.
SECTION 22. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL STANDARDS

A. The following standards shall apply to all land uses defined as commercial, industrial, government, institutional, commercial resource, auto repair and service and campgrounds that contain more than 5 campsites, as listed in the Land Use Table.

1. Adequate provisions shall be made for the storage and disposal of all solid waste. All solid waste storage areas shall be shielded from public view.

2. All manufacturing and processing shall be conducted within an enclosed area of a structure. When outside processing or other activities are unavoidable or necessary due to the nature of the operation, it shall be concealed from public view by a natural or constructed screen. The screen shall be a minimum height of 8 feet and shall be adequate to block the outside activity completely from public view. The screen may consist of a fence, vegetative buffer, berm, or combination thereof. The screen shall be designed to block outside activity from view throughout the year.

3. Public view shall mean the view from the property line from the abutting property and from any point across the road parallel to the frontage of the site.

4. All lighting fixtures shall be full cutoff so that lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent structures. Illumination shall not exceed ½ foot-candles at the property line.

5. No lighting fixture, except streetlights, shall extend beyond a height of 25 feet as measured from the roadway.

B. ROAD ACCESS STANDARDS

1. The road access shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distance shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of the shoulder, with the height of the eye 3 1/2 feet to the top of an object above the pavement. Minimum sight distance of 10 feet for each mile per hour of posted speed limit shall be provided.

2. A maximum of two access points may be provided for each development. These accesses shall be either one-way or two-way operations and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

3. The road access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3% or less for at least 75 feet.

4. The Planning Board may require a traffic study to be performed if the proposed use would generate more than 100 vehicle trips per day.

C. LANDSCAPING AND BUFFER STANDARDS

1. An existing or proposed vegetative, tree and shrub buffer shall be maintained along property lines of the development. The buffer area shall at a minimum consist of a strip of land no less than 15 feet in width.
2. Each proposed development shall develop a road landscape plan for a strip of land measuring 15 feet in width along the road frontage of the lot. Existing or proposed vegetation including trees and shrubs shall be incorporated into the plan. Parking areas shall not be allowed in this area except for necessary access points.

SECTION 23. BUILDING STANDARDS

No residential structure may be occupied without a Certificate of Occupancy obtained from the Code Enforcement Officer. This does not apply to existing structures. However, residential structures that have been rendered non-habitable as a result of partial destruction by natural or other causes, and partially re-constructed, may require Code Enforcement Officer review and permit.

SECTION 24. MULTI-FAMILY DWELLINGS

Multi-family dwellings shall meet the following requirements:

A. The minimum lot size required for a multi-family dwelling in a Shoreland and Stream Protection Districts shall be the product of the number of dwelling units times the minimum lot size required for single family dwellings.

B. In all other Districts it shall be the product of the number of dwelling units times the minimum lot size, plus one minimum base lot.

C. Any multi-family dwellings that existed prior to the adoption of this Ordinance that do not meet these requirements shall be allowed to continue, but will not be allowed any expansion of size or use.

SECTION 25. MOBILE HOMES AND MOBILE HOME PARKS

A. The installation of all mobile homes must follow the State of Maine Manufactured Home Installation Standard, Chapter 900. A copy shall be kept on file at the Town Office.

B. All mobile home parks are subject to the Town of Fayette Subdivision Ordinance and must meet the requirements of Title 30A MRSA Section 4358 as may be amended.

SECTION 26. COMMON SHORELAND ACCESS

The use of any property for common shoreland access shall require a minimum shoreline frontage of 300 feet and an additional 25 feet for each dwelling site beyond the third using the common shoreland access. Any recreational facilities associated with the common access, such as beaches, docks, picnic areas etc. shall be a minimum of seventy-five (75) feet from the side lot lines.

SECTION 27. AUTOMOBILE GRAVEYARDS AND JUNKYARDS

A. All automobile graveyards, automobile recycling business and junkyards must be licensed in accordance with Title 30-A MRSA Sections 3751 through 3760.

B. There is no grandfathering clause, so-called, permitting uses in existence before the enactment of this Ordinance.

C. Any new automobile graveyard, automobile recycling business and junkyard must obtain a permit from the Select Board. A permit from the Select Board will be issued in accordance with Title 30-A MRSA, Sections 3751 through 3760.
D. Design Standards: All applications reviewed by the Select Board after the effective date of this Ordinance shall meet the following requirements:

1. The area used for the facility shall be *set back* a minimum of 75 feet from all property lines.

2. A buffer consisting of vegetation, fences, or berms or any combination thereof shall be installed along all property lines and shall be capable of providing a year-round screen to a height of 8 feet. The landscaping and buffer requirements contained in Article 8, Sections 20 and 22 shall also be followed.

**ARTICLE 9. DEFINITIONS**

**Abutter** - the owner of any property with one or more common boundaries, or across the *road* or stream from the property involved in an application being reviewed by any municipal authority.

**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*.

**Active Recreation** - a public, private or commercial *recreational facility* which involves *development* or structures such as but not limited to; amusement parks and arcades, bowling alleys, golf courses and ranges, motor cross tracks, skating rinks, skate board parks and health clubs as well as other forms of recreational facilities.

**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.

**Automobile Graveyard or Junkyard** - a yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29-A M.R.S.A. §101, or parts of such vehicles. The definition includes discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture, scrap or junked lumber, copper, brass, rope, rags, paper, trash, rubber debris, waste, and all scrap iron, steel and other ferrous or non-ferrous material. The definition also includes an area used for automobile dismantling, salvage and recycling operations. The definition excludes any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable. Temporary storage shall not exceed 120 days.

**Automobile Recycling Business** - the business premise of a *person* who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in Title
Automobile Service and Repair - a business establishment engaged in general repair, engine rebuilding, parts replacement, muffler replacement, oil and lube service, brake service, auto glass, auto body repair, auto painting, car washing, undercoating, motorcycle repair, recreational vehicle repair such as snowmobiles, ATV's, boat engines, and small engine repair.

Basement - any portion of a structure with a floor to ceiling height of 6 feet or more and having more than 50% of the 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 docking area, and parking spaces for vehicles and trailers.

Brook – See “Stream Channel”

Campground - any area or tract of land to accommodate two (2) 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 tree crowns in a wooded area.

Code Enforcement Officer – a person or persons appointed by the Fayette Select Board to administer and enforce this Ordinance.

Commercial Large - a retail, service or office use or any combination thereof that consists of more than 2,000 square feet of floor area.

Commercial Resource - the processing, cutting and finishing of raw logs into finished products, or the manufacturing, handling, treatment or packing of crops, livestock or dairy products produced or raised on farms, and related activities such as storage and sales. This definition excludes rendering plants, fertilizer manufacturing plants and similar operations.

Commercial Small - a retail, service, or office, use or any combination thereof that consists of less than 2,000 square feet of floor area.

Commercial Use - the use of lands, buildings, or structures, other than a "home occupation," 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 by the owner.

Communication Tower – a structure on which commercial transmitting and/or receiving antenna are located.

Crossing – means any timber harvesting and related activity involving the passage of ground-based equipment from one side to the opposite side of a water body, or to an island or upland within a water body. Such activities include, but are not limited to construction of roads, fords, bridges, and culverts, as well as maintenance work on these crossings.

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.

De novo review - a review that looks at the factual and legal issues afresh, undertakes its own
credibility determinations, evaluates the evidence presented, and draws its own conclusions.

**Designated Agent** – means a person, company or other entity that is authorized by the landowner to act on the landowner’s behalf for permitted activities occurring on their property.

**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. This definition excludes *family* gardening as well as minor landscaping intended to improve or enhance the appearance of buildings and grounds.

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

**Direct Watershed of a Pond** - that portion of the watershed which drains directly to the pond through sheet or concentrated flow without first passing through an upstream pond or *river*.

**Disability** - any *disability*, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness. 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.

**Drainage Dip** - a shallow depression across the landscape, used on gravel roads in lieu of culverts when road ditches are not deep enough to connect with culverts. Drainage dip sizing should be at a minimum 12" deep and 15’ wide across the entire width of the road, shallow enough to drive thru without scraping the bottom of vehicles. They should be constructed (lined) with stone rip rap protection.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two lots or fewer.

**Dwelling** - a building or place of shelter to live in; a place of residence, abode, home.

**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 a *person*’s 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.

**Expansion of a Structure** - an increase in the *floor area* or volume of a structure, including all
extensions such as, but not limited to, the following attached structures: 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.

**Fire Prevention Activities** - any action or activity deemed necessary by the Town of Fayette Fire Chief to protect the public and property from the potential spread of fire according to sound methods and practices of fire prevention.

**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 areas of flooring of any unenclosed portion of a structure such as a porch or a deck.

**Forest Management** - 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 *freshwater wetland* dominated by woody vegetation that is 20 feet tall or taller.

**Foundation** - the supporting substructure of a building or other structure, such as basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material. This excludes wooden sills and post supports.

**Freshwater Wetland** - freshwater swamps, marshes, bogs and similar areas, other than *forested wetlands*, which are:

1. of ten or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any *river*, stream or brook, such that in a natural state, the combined surface area is in excess of ten (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; and:

3. Not part of a Great Pond, stream, or river.

*Freshwater wetlands* may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Full-cutoff Light** – a luminaire light distribution where zero (0) candela intensity occurs at an angle of ninety (90) degrees above nadir, and at all greater angles from nadir.

**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, inland waters and that 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 and port 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 cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

Grandfathered - a parcel or use of land which is exempt from application of a particular provision of this Ordinance because it existed at the time that particular provision was enacted, and it has continued to exist since then.

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 (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by and held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Greatest Practical Extent - is defined as it applies to the protection of the resource.

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 that 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; and 2) which employs no more than two (2) persons other than family members residing in the home.

Hydric - pertaining to or adapted to a wet or moist environment.

Increase in Nonconformity of a Structure - Any change in a structure or property which causes further deviation from the dimensional standards 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 non-conformity with the setback requirement for water bodies, wetlands, or tributary steams 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, wetland or tributary stream than the closest portion of the existing structure from that water body, wetland, or tributary stream, or vertically, if the structure does not exceed the maximum height allowed in the district in which it is located. 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 (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

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

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.

Legal Non-conforming Condition - a 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.

Legal 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.

Legal non-conforming Structure - a structure which does not meet any one or more of the following dimensional requirements; setback, frontage, 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.

Legal 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.

Legislative Body - the Legislative Body for the Town of Fayette is the Town Meeting.

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

Lot Area - the amount 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.

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 for hire and marine equipment, boat 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.

Metes and bounds - measurements of the limits of boundaries; dimensions

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 (12) month period which removes more than one hundred (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.

Minimum Lot Width - the closest distance between the side lot lines of a lot.

Mobile Home Park - a parcel or adjoining parcels of land, under single ownership, that has been planned and improved for the placement of 3 or more mobile homes, and with lots intended to be rented.

MRSA - Maine Revised Statutes Annotated.

Multi-unit Residential - a residential structure containing three (3) or more residential dwelling units.

Native - flora that are indigenous to the local forests.

Non-Intensive Recreation - Outdoor recreation activities which involve no structural or mechanical components or facilities such as hiking, fishing, hunting and snowmobiling.

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 rivers 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.

Parking Lot for Public and Private Recreational Areas - any area nearby or adjacent to a recreation facility e.g. beach, water access point, sporting field or similar non-commercial locations designed for vehicle parking by community residents during the period of use of the facility.

Permanent Crossing – means any structure constructed or erected with a fixed location, in, on, or over a water body for a period exceeding 7 months each year, including, but not limited to, culverts and bridges.

Pond – means any inland body of water which in a natural state has a surface area between 4, 300 square feet and 10 Acres.

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, floats/rafts, wharves, 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 (7) months in any period of twelve (12) consecutive months. Permanent structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

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 and/or including facilities commonly and frequently used by the public regardless of ownership.

**Public Hearing** - a meeting the primary purpose of which is to present an issue to the public & receive feedback about it. Decisions are not made at a public hearing.

**Public Meeting** - a regular meeting of a town board, notice of which is given to the public. Thus, regular meetings of the Select Board, Planning Board, and Appeals Board are public meetings. The primary purpose of a public meeting is for the board to do its business.

**Rear Lot** – A lot which does not meet the Road Frontage requirement for the district in which it is located. Rear Lot does not include legally-existing Non-conforming Lots which do not meet the Road Frontage requirements for the districts in which they are located.

**Recent Flood Plain Soils** - the following soil series as described and identified by the National Cooperative Soil Survey:

<table>
<thead>
<tr>
<th>Fryeburg</th>
<th>Hadley</th>
<th>Limerick</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lovewell</td>
<td>Medomak</td>
<td>O'cawa</td>
</tr>
<tr>
<td>Alluvial</td>
<td>Cornish</td>
<td>Charles</td>
</tr>
<tr>
<td>Podunk</td>
<td>Rumney</td>
<td>Saco</td>
</tr>
<tr>
<td>Suncook</td>
<td>Sunday</td>
<td>Wirooski</td>
</tr>
</tbody>
</table>

**Recreational Facility** - a place designed and equipped for 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 intended to be towed and that is 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 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 at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**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 (6) inches in diameter, used for erosion control and soil stabilization. Typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.
River - a free-flowing body of water including its associated flood plain wetlands from that point at which it provides for a watershed of twenty five (25) square miles to its mouth.

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.

Road Frontage - the horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Seasonal Conversion - the changing of use of a seasonal structure or property to year round status. Permit shall be required from a Licensed Plumbing Inspector.

Seasonal Structure and Use - a residence intended for use or occupancy for fewer than seven (7) months within any consecutive 12 month period.

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 one thousand (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 one thousand (1,000) feet in length.

Service Drop (cont.) -

Select Board - elected officials of the town, previously referred to as “Selectmen.”

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a 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 a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Zone (District) - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. This zone also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

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

Significant Wildlife Habitat - is defined by 38 MRSA, chapter 3, article 5-A.

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.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the Shoreland area.

Stream Channel – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil containing waterborne deposits or exposed soil parent material or bedrock; and which is connected hydrologically with other water bodies. “Stream channel” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetative cover has been removed by human activity.

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, and poles, wiring and other aerial equipment normally associated with service drops as well as guyng and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, but excluding personal residential TV satellite dishes. Roads and driveways serving 2 lots or fewer shall be excluded provided the criteria of Article 8, Section M are met.

Subdivision - the division of a tract or parcel of land into 3 or more lots within any five-year period. This applies whether the division is accomplished by sale, lease, development, and buildings or otherwise. This also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction of 3 or more dwelling units on a single tract or parcel of land, and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. Title 30-A MRSA Sec. 4358

Substantial Start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Sewage Disposal System - any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

Timber Harvesting and Related Activities - the cutting and removal of trees from their growing site, for the primary purpose of selling or processing forest products; the construction and maintenance of roads and timber yarding areas used primarily for timber harvesting and other activities conducted to facilitate the timber harvest. The cutting or removal of trees in the Protected Districts on a lot that has less than two (2) acres within these Protected Districts shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Article 8 Section 15, Clearing of Vegetation.

Timber Harvest Best Management Practices - timber harvest standards adopted by the Maine
Forest Service and recommended for application, especially to Shoreland, Stream and Wetland Districts.

Town Meeting - a meeting of the town's legislative body at which decisions are made regarding how the issues set forth in the warrant articles should be handled.

Tributary Stream - a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of bed; devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. A tributary stream may be perennial or intermittent, and where a tributary stream is present within the Resource Protection, Stream Protection, Wetland Protection or Shoreland District, setback standards from that tributary stream are applicable. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland Edge of a Wetland - the boundary between upland and wetland. 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 twenty (20) feet 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 feet above ground.

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 the walls; and roof.

Water body - any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the water body are considered part of the water body.

Water Crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water 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.

Watershed - an area of land that drains downslope to the lowest point. The water moves through a network of drainage pathways, both underground and on the surface. Generally, these pathways converge into streams and rivers, which become progressively larger as the water moves on downstream, eventually reaching an estuary and the ocean. Watersheds can be large or small. Every stream, tributary, or river has an associated watershed, and small watersheds join to become larger watersheds. Watershed boundaries follow major ridgelines around channels and meet at the bottom, where water flows out of the watershed, a point commonly referred to as a stream or river. (Because water moves downstream, any activity that affects the water quality, quantity, or rate of movement at one location can affect locations downstream. For this reason, everyone living or working within a watershed needs to cooperate to ensure good watershed conditions).

Wetland - See freshwater wetland.

Wetlands Associated with Great Ponds and Rivers - wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great
pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Wildlife Park - the application of scientific and technical principles to wildlife populations and habitats to maintain such populations (particularly mammals, birds and fish) essentially for recreational and/or scientific purposes, usually within a restricted, enclosed area.

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.