TOWN OF BREMEN
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SHORELAND ZONING ORDINANCE FOR THE TOWN OF BREMEN, MAINE

As amended May 7, 2024

Certified by: _____
Melanie L. Pendleton
Town Clerk

COPY

Shoreland Zoning Ordinance
for the Town of Bremen, Maine
as Amended May 7, 2024

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

2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

   - normal high-water line of Biscay, McCurdy, Pemaquid and Webber Ponds, and waterways that flow between them,
   - upland edge of a coastal wetland, including all areas affected by tidal action, and
   - upland edge of a freshwater wetland;

   and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

   This Ordinance 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.

4. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on May 7, 2024, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

   Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

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

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. **Districts and Zoning Map**

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

      (1) Resource Protection
      (2) Residential
      (3) Commercial Fisheries/Maritime Activities
      (4) Stream Protection

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

   C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town office.

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

10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

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

12. **Non-conformance**

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

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

(2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-Conforming Structures

(1) **Expansions.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the applicable water body or wetland setback requirements contained in Section 15.B.(1). A non-conforming structure may be added to or expanded following the receipt, review and approval of an application by the reviewing authority, and a permit is issued by the Code Enforcement Officer, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (c) through (e) below.

NOTE: This Ordinance does not apply to a new structure or an expansion of an existing non-conforming structure necessary to comply with the requirements of the Americans with Disabilities Act, provided such proposed structure or expansion is needed by a current resident on the property that has a disability, or a current resident's family member or acquaintance that has a disability and is moving into an existing residence on the property.

(a) Expansion of any legally existing non-conforming structure whose footprint has been expanded by 30% or more since January 1, 1989 is prohibited.

(b) Expansion of any portion of a structure within 25 feet horizontal distance of the normal high-water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.

(c) All other legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements contained in Section 15.B.(1), herein, may be expanded or altered as follows, as long as the provisions of Section 12.C. and all other applicable land use standards contained in this or other municipal ordinances are met.

(i) For structures located less than 75 feet, horizontal distance from the normal high-water line of a water body or upland edge of a wetland: the maximum combined total footprint of all portions of those structures within that 75-foot distance may not be expanded to greater than 1,000 square feet. The maximum height of any portion of any structure within that 75-foot distance may not be made greater than 20 feet or the height of the existing structure within 75 feet, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a water body or upland edge of a wetland: the maximum combined total footprint of all portions of those structures within that 100-foot distance may not be expanded to greater than 1,500 square feet. The maximum height of any portion of any structure within that 100-foot distance may not be made greater than 25 feet or the height of the existing structure within 100 feet, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body or upland edge of a freshwater wetland must also meet the footprint and height limits in Section 12.C.(1)(c)(i), above.

(iii) For structures located less than 150 feet from the normal high-water line of a water body or upland edge of a wetland: the maximum combined total footprint of all portions of those structures within that 150-foot distance may not be expanded to greater than 2,000 square feet. The maximum height of any portion of any structure within that 150-foot distance may not be made greater than 30 feet or the height of the existing structure within 150 feet, whichever is greater. Any portion of those structures located less than 100 feet from a water body or upland edge of a wetland must also meet the footprint and height limits in Section 12.C.(1)(c)(ii), above; and any portion of those structures located less than 75 feet from a water body or upland edge of a wetland must also meet the footprint and height limits in Section 12.C.(1)(c)(i), above.

(iv) In addition, for structures that are located within the Resource Protection District and that are less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland: the maximum combined total footprint of all portions of all structures within that 250-foot distance may not be expanded to greater than 2,000 square feet. The maximum height of any structure within that 250-foot distance may not be made greater than 30 feet or the height of the existing structure within 250 feet, whichever is greater. Any portion of those structures located less than 100 feet from a water body or upland edge of a wetland must also meet the footprint and height limits in Section 12.C.(1)(c)(ii), above; and any portion of those structures located less than 75 feet from a water body or upland edge of a wetland must also meet the footprint and height limits in Section 12.C.(1)(c)(i), above.

(d) Notwithstanding the limitations on height imposed under Section 15. B.(8), below, the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or up to 4 feet above the FEMA base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that:

(i) Have been or are proposed to be relocated, reconstructed, replaced or elevated to avoid damage or restriction of use due to sea level rise, or to be consistent with the Bremen floodplain management elevation requirement; and

(ii) Are located in an area of special flood hazard.

(e) An approved plan for expansion of a non-conforming structure must be recorded by the applicant with the Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

(2) **Foundations.** A new, enlarged, or replacement foundation ~~is~~ may be constructed under a non-conforming structure following the receipt, review and approval of an application by the Planning Board and a permit issued by the Code Enforcement Officer. The structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 12.C.(3) Relocation, below.

(3) **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located following the receipt, review and approval of an application by the Planning Board and a permit issued by the Code Enforcement Officer. The site of relocation shall conforms to all setback requirements to the greatest practical extent as determined by the Planning Board and the applicant shall demonstrate that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one noninvasive tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree

shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

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

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

(4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced following the receipt, review and approval of an application by the Planning Board and a permit is issued by the Code Enforcement Officer within eighteen (18) months of the date of said damage, destruction, or removal. Such reconstruction or replacement shall comply with the water body or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to Section 12.C.(1) above, as determined by the non-conforming footprint and height of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12.C.(3) above.

Any non-conforming structure which is located less than the required setback from a water body or upland edge of a wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with no expansion of the footprint or height if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board or its designee shall consider, in addition to the criteria in Section 12.C.(3) above, the physical condition and type of foundation present, if any.

(5) **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure may not be changed to another use unless the reviewing authority, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use, and a permit is issued by the Code Enforcement Officer.

In determining that no greater adverse impact will occur, the reviewing authority shall require written documentation from the applicant, regarding the probable effects on public health and safety, the level of human activity, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

(1) **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after the receipt, review and approval of an application by the reviewing authority and a permit issued by the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12.C.(1) above.

(2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the reviewing authority, may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year (5) period.

(3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water-dependent uses in the Commercial Fisheries/Maritime Activities District, than the former use, as determined by the reviewing authority. The determination of no greater adverse impact shall be made according to criteria listed in Section 12.C.(5) above. A permit issued by the Code Enforcement Officer is required.

E. Non-conforming Lots

(1) **Non-conforming Lots.** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) **Contiguous Built Lots.** When two or more contiguous lots or parcels are in a single or joint ownership of record on the date of adoption or amendment of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *State Minimum Lot Size Law* (12 M.R.S.A. Sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

(3) **Contiguous Lots - Vacant or Partially Built.** If two or more contiguous lots or parcels are in single or joint ownership of record and recorded in the Registry of Deeds on the date of adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined or reconfigured to the extent necessary to meet the dimensional requirements or as much as possible.

If such recombination or reconfiguration results in one or more lots that still do not meet the current dimensional requirements of this Ordinance and the lot(s) can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, the nonconforming lot(s) may be built upon provided:

(a) The lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area;

(b) The proposed use is allowed in the District in which it occurs; and

(c) All other applicable provisions of this Ordinance are met to the greatest practical extent as determined by reviewing authority. In determining whether the proposed use meets these other requirements to the greatest practical extent, the reviewing authority shall consider the ability of the applicant to use the land in the manner proposed, the size of the lot(s), the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation retained or proposed. A permit issued by the Code Enforcement Officer is required.

F. Condition of Approval

The reviewing authority may require, as a condition to permit approval under Section 12, the retention of existing vegetation and/or the planting of new or additional vegetation to provide and maintain a shoreline buffer that meets requirements (1) – (5), below, to the greatest practical extent, as determined by the reviewing authority. In determining whether the proposed buffer meets these requirements to the greatest practical extent, the reviewing authority shall consider the criteria listed in Section 12.E.(3)(c), above.

(1) The buffer must include shrubs and other woody and herbaceous vegetation maintained at three (3) feet or more in height. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;

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

(3) Only noninvasive, native species may be used to establish the buffer area;

(4) No one species shall make up 50% or more of the number of trees and saplings planted;

(5) A minimum buffer width of 25 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland; and

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

NOTE: The reviewing authority may approve other engineered structural solutions proposed by the applicant to enhance infiltration of runoff and prevent erosion and sedimentation including but not limited to sediment/infiltration basins and ponds, diversion of runoff as sheet flow to well-vegetated areas, etc.

13. Establishment of Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria of the Commercial Fisheries/Maritime Activities District need not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph, "wetlands associated with great ponds and rivers" shall mean areas characterized by the non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

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

(3) Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

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

(5) Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

(6) Other areas which have been recommended for protection in the comprehensive plan, or as otherwise endorsed for protection by the Town, such as:

(a) Other important wildlife habitat;

(b) Natural sites of significant scenic or aesthetic value;

(c) Areas designated by federal, state or the Town as natural areas of significance to be protected from development; and

(d) Other significant areas such as existing public access and historic sites.

B. Residential District. The Residential District includes those areas suitable for residential and recreational development. Includes areas other than those in the Resource Protection District, Stream Protection District, or the Commercial Fisheries/Maritime Activities District.

C. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

(1) Shelter from prevailing winds and waves;

(2) Slope of the land within 250 feet, horizontal distance, of the shoreline;

(3) Depth of the water within 150 feet, horizontal distance, of the shoreline;

(4) Available support facilities including utilities and transportation facilities; and

(5) Compatibility with adjacent upland uses.

D. Stream Protection District. The Stream Protection District includes all land areas within seventy five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within another shoreland district associated with a water body or wetland.

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

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
No - Prohibited
PB - Allowed with an application to, review and approval by the Planning Board, followed by a permit issued by the Code Enforcement Officer. Where PB is indicated in the following Table of Land Uses, the Planning Board is the reviewing authority.
CEO - Allowed with an application to, review and a permit issued by the Code Enforcement Officer. Where CEO is indicated in the following Table of Land Uses, the Code Enforcement Officer is the reviewing authority.
LPI - Allowed with permit issued by the Local Plumbing Inspector.

Abbreviations:

RP - Resource Protection
R - Residential
CFMA - Commercial Fisheries/Maritime Activities
SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT			
	SP	RP	R	CFMA
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes
4. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	CEO	yes
5. Removal of hazard trees, storm damaged trees, and dead trees	CEO[8]	CEO[8]	CEO[8]	yes
6. Exempted clearing and vegetation removal activities	yes[10]	yes[10]	yes[10]	yes[10]
7. Fire prevention activities	yes	yes	yes	yes
8. Wildlife management practices	yes	yes	yes	yes
9. Soil and water conservation practices	yes	yes	yes	yes
10. Surveying and resource analysis	yes	yes	yes	yes
11. Emergency operations	yes	yes	yes	yes
12. Agriculture	yes[14]	PB	Yes[14]	PB
13. Aquaculture	PB	PB	PB	PB
14. Principal structures and uses				
A. One- and two-family Residential, including driveways	no	PB[7]	PB	PB[12]
B. Multi-family Residential, including Affordable Housing Developments	no	no	PB	no
C. Commercial and industrial	no	no	no	PB[3]
D. Governmental and institutional	no	no	PB	PB[3]
E. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[2]	no	PB	PB[3]
15. Accessory Dwelling Units	no	no	PB	PB[12]
16. Other structures accessory to allowed uses				
A. Temporary	CEO[2]	PB	CEO	yes
E. Permanent	PB[2]	PB	PB	PB
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
A. Seasonal	CEO[13]	PB[13]	CEO[13]	CEO[13]
B. Permanent	PB[13]	PB[13]	PB[13]	PB[13]
18. Conversions of seasonal residences to year-round residences	no	PB[7]	PB	PB[12]
19. Home occupations	PB	PB	yes	yes
20. Low-Impact Business	PB	PB	yes	yes
21. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
22. Essential services	PB[4]	PB[4]	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO[4]	CEO[4]	yes[9]	yes[9]
B. Non-roadside or cross-country distribution lines involving poles in the shoreland zone	PB[4]	PB[4]	PB	PB
C. Other essential services	PB[4]	PB[4]	PB	PB
23. Service drops, as defined, to allowed uses	yes	yes	yes	yes
24. Public and private recreational areas involving minimal structural development	PB	PB	PB	no
25. Individual, private campsites	yes[11]	yes[11]	yes[11]	yes[11]
26. Road construction	no	no[6]	PB	PB[3]
27. Parking facilities	no	no	PB	PB[3]
28. Marinas	no	no	no	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes
30. Filling and earth moving of >10 cubic yards	PB	PB	PB	PB
31. Signs and Informational Kiosks	yes[5]	yes[5]	yes[5]	yes[5]
32. Uses similar to allowed uses without a permit	yes	yes	yes	yes
33. Uses similar to allowed uses requiring a CEO permit	CEO	CEO	CEO	CEO
34. Uses similar to allowed uses requiring a PB permit	PB	PB	PB	PB

1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
3 Functionally water-dependent uses and uses accessory to such water-dependent uses only. See Section 15F for Commercial/Industrial uses allowed in the CFMA.
4 See further restrictions in Section 15L.
5 Provided the provisions of Section 15I are met.
6 Except as provided in Section 15H(3).
7 Single-family residential structures may be allowed by special exception, only according to the provisions of Section 16E. Two-family or multi-unit residential structures are prohibited.
8 Provided the provision of Section 15Q are met.
9 Permit not required but must file a written "notice of intent to construct" with *CEO.*
10 Provided the provisions of Section 15R are met.
11 Provided the provisions of Section 15E are met.
12 Provided all applicable dimensional standards for a residential dwelling unit in Section 15.A. and setback and structure height

requirements in Section 15.B. are met.

13 Excluding bridges and other crossings not involving earthwork, provided the bridge is no more than 15 feet long, in which case no permit is required.

14 Provided the provisions of Section 15N and 15X are met.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

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

A. Minimum Lot Standards

		Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)			
(a)	Residential per dwelling unit*		
(i)	Within the Shoreland Zone Adjacent to Tidal Areas	80,000	300
(ii)	Within the Shoreland Zone Adjacent to Non-Tidal Areas	80,000	300

* See the definition of **Dwelling Unit, Accessory** under **Structural Terms** in Section 17 for an exemption for an Accessory Dwelling Unit.

(b)	Governmental, Institutional, Commercial or Industrial per principal structure		
(i)	Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of those Areas Zoned for Commercial Fisheries and Maritime Activities	80,000	300
(ii)	Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	10,000	50
(iii)	Within the Shoreland Zone Adjacent to Non-Tidal Areas	80,000	300

(c) Public and Private Recreational Facilities

(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	80,000	300

(d) Public and Private Water Access

(i) Within the Shoreland Zone Adjacent to Tidal Areas only	10,000	50

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

(3) Lots located on opposite sides of a public or private road shall be considered each a legally existing, separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971, or unless one or more of the lots are non-conforming and the parcels were described as one lot on the recorded deed at the time of the adoption of this Ordinance.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) Except for an Accessory Dwelling Unit, as defined herein, if more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

(6) On lots created or used for private water access in accordance with Section 15.A.(1)(d), above, the only structures allowed are a pier or dock with a ramp and float and a single, non-residential building with a footprint of one thousand (1,000) square feet or less located either on land or a pier/dock. Both a pier or dock and a non-residential building are allowed on the lot.

(7) The Planning Board may approve clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

(8) Lots of record as of the date of enactment of this revision or amendment of this Ordinance which do not meet the dimensional requirements as set forth above may not be subdivided.

(9) Lots that do not meet the dimensional requirements as set forth above and that are part of a subdivision containing no more than six (6) parcels, all of which are beyond the shoreland zone, may be approved as a common lot with a common pier or dock for the benefit of the other lots within the subdivision provided the common lot meets the applicable frontage and area requirements for a residential lot containing one dwelling unit. A single, non-residential building with a footprint of one thousand (1,000) square feet or less with no bathroom or indoor cooking facilities may be located on the lot. All other shoreland zone conditions, including water body/wetland setbacks, shall apply to any such common lot.

(10) Conforming lots that meet or exceed the dimensional requirements as set forth above, may not be divided so as to create a lot with non-conforming dimensions.

(11) Lots created or used for private water access in accordance with Section 15.A.(1)(d), above, shall be used only for purposes of commercial fishing. A deed restriction for the lot describing this restriction must be recorded at the Registry of Deeds by the applicant within ninety (90) days of approval of such use by the Planning Board. The recorded restriction must include a copy of the Planning Board approval.

B. New Principal and Accessory Structures

(1) In the Residential District:

(a) All new principal and accessory structures shall be set back at least one hundred fifty (150) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland. However, if a paved, State-owned road is located between the proposed development and the protected resource, the minimum setback shall be seventy-five (75) feet, horizontal distance, from the protected resource.

(b) All new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of tributary streams.

(2) In the Stream Protection District all new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of a stream.

(3) In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback except that residential structures shall be setback at least 150 feet, horizontal distance, from the highest annual tide level.

(4) In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

(5) The water body or wetland setback provisions shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(6) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place a new accessory structure meeting the required water body or wetland setbacks, the Planning Board may consider the placement of a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height and shall be located as far from the shoreline or upland edge of a wetland as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations.

(7) The Planning Board may increase the required setback of a proposed structure as a condition to permit approval, if necessary, to accomplish the purposes of this Ordinance. Instances where a greater setback may be appropriate include but are not limited to areas of steep slope, shallow or erodible soils, or where an adequate shoreline buffer does not exist.

(8) Except for an Accessory Dwelling Unit, as defined herein, new principal or accessory structures and expansions of existing, conforming structures which are permitted in the Resource Protection, Stream Protection and Residential Districts shall not exceed thirty-five (35) feet in height. A detached Accessory Dwelling Unit shall not exceed a maximum height of thirty (30) feet. An Accessory Dwelling Unit created by expanding an existing conforming structure shall not exceed a maximum height of thirty (30) feet or the height of the existing structure, whichever is greater. This provision shall not apply to structures such as transmission towers, windmills, steeples, flag poles, chimneys, antennas, and similar structures having no floor area.

(9) The lowest floor elevation or openings of all buildings and structures, including basements, shall meet the standards of the Town of Bremen Floodplain Management Ordinance, if applicable.

(10) The total footprint area of all structures, parking lots, and other non-vegetated surfaces within the shoreland zone shall not exceed twenty (20) percent of the portion of the lot located within the shoreland zone, including land area previously developed, except for structures in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent. Residential structures in the Commercial Fisheries/Maritime Activities District are restricted to a total footprint area not to exceed twenty (20) percent of the portion of the lot located within the shoreland zone.

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

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

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

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

(d) The maximum height of the wall(s) is no more than 24 inches;

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

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

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

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

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

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

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

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

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body or coastal wetland, a permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection.

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(12) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit, ~~from the Planning Board~~, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A. Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland

(1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot. However, if the lot contains at least twice the minimum shore frontage specified in Section 15.A., a second such structure may be allowed. This restriction does not apply in the Commercial Fisheries/Maritime Activities District.

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

(3) The location shall not interfere with existing developed or natural beach areas.

(4) The facility shall be located so as to minimize adverse effects on fisheries.

(5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A

temporary pier, dock or wharf in non-tidal waters shall not be wider than six (6) feet for non-commercial uses.

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

(7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act.*

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

(9) Except in the Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

(10) Vegetation may be removed in excess of the standards in Section 15.P. of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, following the receipt, review and approval of an application by the Planning Board and a permit is issued by the Code Enforcement Officer. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

(a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete, the construction equipment access way must be restored.

(b) Revegetation must occur in accordance with Section 15.S.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A. Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

D. Campgrounds. Campgrounds, as defined in this Ordinance, are not allowed in the Shoreland Zone.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of Biscay, McCurdy, Pemaquid and Webber Ponds and the waterways that flow between them, and seventy-five (75) feet, horizontal distance, from all other water bodies and the upland edge of wetlands.

(2) One campsite per lot existing on the effective date of the Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted. When an individual private campsite is proposed on a lot that contains another principle use and/or structure, the lot must contain a minimum of seventy thousand (70,000) square feet and two hundred (200) feet of shore frontage.

(3) 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.

(4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter shall be limited to one thousand (1,000) square feet.

(5) 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.

(6) When a recreational vehicle, tent or similar shelter is placed on-site and is in use 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 and a Residential Growth Cap Permit is obtained.

F. Commercial and Industrial Uses. Commercial and industrial uses, other than Home Occupations and Low Impact Businesses, are not allowed in the Shoreland Zone, except in the Commercial Fisheries/Maritime Activities District.

(1) The following commercial/industrial activities are allowed in the Commercial Fisheries/Maritime Activities District:

(a) Commercial and recreational fishing and boating facilities;

(b) Finfish and shellfish processing;

(c) Fish-related storage and retail and wholesale fish marketing facilities;

(d) Aquaculture:

(e) Boatyards and boat building facilities;

(f) Marinas;

(g) Excursion/sight-seeing operations;

(h) Uses dependent upon water-borne transportation; and

(i) Uses similar to the above uses.

G. Parking Areas

(1) Parking areas shall meet the structure setback requirements for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the highest annual tide level. The setback requirement for parking areas serving public boat launching facilities in districts other than the Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the protected resource if the Planning Board finds that no other reasonable alternative exists further from the protected resource.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body or wetland and, where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(1) Roads and driveways shall be set back at least seventy-five (75) feet, horizontal distance, from streams, tributary streams and at least one-hundred fifty (150) feet, horizontal distance, from all other water bodies and wetlands unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body or wetland. Such techniques may include, but are not limited to, the installation of vegetated buffers, settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body or wetland. In the Commercial Fisheries/Maritime Activities District, the minimum setback shall be no less than twenty-five (25) feet.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15.H.(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the protected resource due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15.H.(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a protected resource.

(3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body or upland edge of a wetland.

(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15.T.

(5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(6) In order to prevent road and driveway surface drainage from directly entering protected resources, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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

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

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

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

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

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

I. **Signs.** The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, and Residential Districts:

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Commercial Fisheries/Maritime Activities District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

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

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

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

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

J. Storm Water Runoff

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

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

NOTE: The *Stormwater Management Law* (38 M.R.S.A. Section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with one acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

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

(a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-

five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland; and

(b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

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

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

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction

No mineral exploration or extraction is allowed in the Shoreland Zone.

N. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. Sections 4201-4209).

(2) Manure shall not be stored or stockpiled within seventy-five (75) feet, horizontal distance, from streams and tributary streams, and one hundred fifty (150) feet, horizontal distance, from the normal high-water line of all other water bodies or the upland edge of a wetland. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone, shall require a Conservation Plan to be filed with the Planning Board. Non-conformance

with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

(4) There shall be no new tilling of new soil within seventy-five (75) feet, horizontal distance, from streams and tributary streams, and one hundred fifty (150) feet, horizontal distance, from the normal high water line of all other water bodies or the upland edge of a wetland. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred fifty (150) feet, horizontal distance, of the normal high-water line of a water body or wetland; nor within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream or tributary stream. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been prepared in consultation with the local Soil and Water Conservation District and filed with the Planning Board.

O. Timber Harvesting

Bremen has eliminated the timber harvesting provisions from the Shoreland Zoning Ordinance. The Maine Bureau of Forestry administers the regulation of all commercial forestry activities within the Town.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

In order to maintain a buffer strip of vegetation, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation must comply with the following requirements:

(1) In a Resource Protection District abutting Biscay, McCurdy, Pemaquid and Webber Ponds, the waterways that flow between them, and freshwater wetlands, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line or upland edge of a wetland, except to remove hazard trees or safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in the Resource Protection District, and except to allow for the development of permitted uses, within a strip of land extending one hundred fifty (150) feet, horizontal distance, inland from the normal high-water line of Biscay, McCurdy, Pemaquid and Webber Ponds and the waterways that flow between them, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. A "well-distributed stand of trees" adjacent to Biscay, McCurdy, Pemaquid and Webber Ponds and the waterways that flow between them, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	**Points**
2 - < 4 in.	1
4 - <8 in.	2
8 - < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to Biscay, McCurdy, Pemaquid and Webber Ponds and the waterways that flow between them, if a 25-foot by 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4x1) + (2x2) + (3x4) + (2x8) = 36 \text{ points}$$

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

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;

(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

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

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4-1/2 feet above ground level may be removed in any ten (10) year period.

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

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, hazard, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with

native tree species in accordance with Section 15.Q. below, unless existing new tree growth is present.

(f) In order to maintain the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P.(2).

(3) At distances greater than one hundred fifty (150) feet, horizontal distance, from Biscay, McCurdy, Pemaquid and Webber Ponds and the waterways that flow between them; and seventy-five (75) feet, horizontal distance, of any other water body or a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4-1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the Commercial Fisheries/Maritime Activities District except for those lots containing residential and accessory structures.

(4) Legally existing non-conforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance or as otherwise required as a condition of permit approval under Section 12.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. 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:

(a) Within the shoreline buffer extending seventy-five (75) feet, horizontal distance, from the normal high-water line of a protected resource, 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 (4-1/2) 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. If stumps are to be removed, in order to minimize storm water runoff and resulting erosion and sedimentation in excess of natural conditions, the root systems must remain in place to the greatest practical extent.

(b) Outside of the shoreline buffer as defined in Section 15.Q.(1)(a), above, 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 (4-1/2) 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 (4-1/2) 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 (4-1/2) feet above the ground level.

(c) 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 if removing stumps, root systems must remain in place. For the purposes of this provision, dead trees are those trees that contain no foliage during the growing season.

(e) 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 (4-1/2) 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:

(a) Within the shoreline buffer as defined in Section 15.Q.(1)(a), above, 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) If removing stumps, root systems must remain in place.

(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.

(b) Outside of the shoreline buffer as defined in Section 15.Q.(1)(a), above, 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 (4-1/2) 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.

R. 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, unless otherwise prohibited by the Planning Board as a condition of a permit approved in accordance with Section 12.C. 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; and

(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 the Commercial Fisheries/Maritime Activities District or other equivalent zoning district approved by the Commissioner of the Department of Environmental Protection 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 a coastal wetland.

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

(a) 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;

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

(c) 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

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(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.

S. 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:

(a) All trees and saplings removed must be replaced with noninvasive species;

(b) Replacement vegetation must at a minimum consist of saplings;

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

(d) No one species shall make up 50% or more of the number of trees and saplings planted;

(e) 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 saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

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

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

(a) 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;

(b) 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 storm water;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(e) Survival of planted woody vegetation and vegetation under three (3) 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:

(a) 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 storm water;

(b) 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 storm water; and

(c) 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.

T. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the reviewing authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

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

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

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes

where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

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

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (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 nine (9) months of the initial date of exposure. In addition:

(a) 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.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) 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.

(5) 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 riprap.

U. 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.

V. Water Quality

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

W. Archaeological Site

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

X. Pesticides, Herbicides, and Fertilizers other than Manure

The use of pesticides, herbicides or fertilizers is prohibited in the shoreland zone unless an Environmental Impact Plan (see definitions) is approved by the Planning Board. All fertilizers used in the shoreland zone must naturally degrade into the soil when spread upon the land. No pesticides, herbicides or fertilizers may be stockpiled in the shoreland zone. The use of manure in the shoreland zone is regulated under Section 15.N.

16. Administration

A. Administering Bodies and Agents

(1) **Code Enforcement Officer**. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) **Board of Appeals**. See The Board of Appeals Ordinance for the Town of Bremen, Maine.

(3) **Planning Board**. See The Planning Board Ordinance for the Town of Bremen, Maine.

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

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

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is no longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

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

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

C. Permit Application

(1) Every applicant for a permit shall submit a written application to the Planning Board or Code Enforcement Officer, as indicated in Section 14, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

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

(5) An applicant for a development within the shoreland zone shall provide to the reviewing authority as part of the permit application, photographs of the shoreland vegetation and development site as they existed prior to construction and, no later than twenty (20) days after completion of the development as determined by the Code Enforcement Officer, post-construction photographs of the shoreland vegetation and development site.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant either that the application is sufficiently complete to begin formal review, or, if the application is incomplete, that specified additional information is needed to make the application complete. For those applications requiring Planning Board review, the Planning Board shall make its completeness determination at a scheduled public meeting. If the applicant is not present at the meeting, the Planning Board shall request that the Code Enforcement Officer notify the applicant in writing of the results of the completeness determination. If the application is incomplete, the notification shall specify the additional information that is needed.

The Planning Board or the Code Enforcement Officer, as applicable, shall approve, approve with conditions, or deny all permit applications in writing within 50 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 50 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 50 days of a public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

After the submission of a complete application to the Planning Board, the Board shall approve the application, or approve it with conditions if it makes a positive finding, based on the information presented, that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

(8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the provisions of Section 15, Land Use Standards.

Otherwise, the application shall be denied.

The Planning Board shall provide written documentation to the Code Enforcement Officer of its decision to approve, approve with conditions or deny the application. If the application is either approved with conditions or denied, the reasons as well as the conditions shall be included. A Land Use or Building Permit shall not be issued by the Code Enforcement Officer unless the Planning Board has granted approval or approval with conditions of an application that falls within its review authority as set forth in this Ordinance. Any conditions accompanying the Planning Board's decision shall be included on the Permit. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16.D. above, except for structure setback requirements, the Planning Board may approve an application for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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

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

(3) All proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

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

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

(4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

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

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Enforcement

(1) Nuisances: Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer: It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he/she shall notify in writing by certified mail the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be retained by the Town as a permanent public record.

(3) Legal Actions: When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the CEO may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

(4) Fines: Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation may be liable for civil penalty of a maximum of $5,000.00 for each violation. However, the maximum penalty for each violation in the Resource Protection District of the shoreland zone shall be $10,000.00 per violation. Each day the violation continues shall constitute a separate violation as referenced in Title 30-A M.R.S.A., Section 4452. The violator liable for each offence may be ordered to correct or abate a violation, and may be liable for the Town's attorney's fees, witness fees and costs.

I. Appeals

See The Board of Appeals Ordinance for the Town of Bremen, Maine.

J. Fee Schedule

All applications fees for permits shall be paid to the Town in accordance with the fee schedule as established by the Selectmen. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the owner.

17. Definitions

Abutting Property Owner or Abutter: Any lot or the owner of a lot that is physically contiguous with the subject lot even if only at a point, and any lot or the owner of a lot that is located directly across a street, right-of-way, or stream from the subject lot such that the extension of a side lot line of the subject lot would touch or enclose the abutting property.

Accessory Structure: See Structural Terms.

Affordable Housing Development (AHD): AHD means:

1. For rental housing, a development in which a household whose income does not exceed eighty percent (80%) of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units without spending more than thirty percent (30%) of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed one hundred twenty percent (120%) of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units without spending more than thirty percent (30%) of the 36 household's monthly income on housing costs.

3. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.
4. For purposes of this definition, "housing costs" include, but are not limited to: a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

All AHDs shall:

1. Be located within a Zoning District that permits Multi-Family Dwellings.
2. Provide in the application written verification of adequate water and wastewater services the same as those required for an Accessory Dwelling Unit.
3. Be required to execute a restrictive covenant, recorded in the Lincoln County Registry of Deeds, for the benefit of and enforceable by a party acceptable to the Planning Board, to ensure that for at least thirty (30) years after completion of construction:
   a. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
   b. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

Each dwelling unit in an AHD that is to be located in the Shoreland Zone is subject to the same per dwelling unit minimum lot area and shore frontage requirements, waterbody and other setbacks, building height and other Section 15.B. standards as any other dwelling unit that is located in the Shoreland Zone. A dwelling unit located within an AHD cannot be used as a **Short-Term Rental,** as defined in this Ordinance. Affordable Housing Developments are also likely subject to subdivision review.

Aggrieved Person: A person whose interests may be damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

Agricultural Activity: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure, liming, planting, pesticide application, harvesting or cultivated crops, management of livestock, and other similar or related activities.

Alter or Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location to another. This activity excludes normal repairs or maintenance of a building or structure

Appeal: Refer to the Board of Appeals Ordinance for the Town of Bremen, Maine for the terms of appeal procedures.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Archaeological Excavation: The excavation of a site or structure as defined in the Land Use Ordinance.

Area Median Income: Income that is at the midpoint of the Lincoln County region's income distribution calculated on an annual basis by the Maine State Housing Authority. (Revised effective June 8, 2022).

Attached: A building connected by a shared wall or roof to the principal structure or having physically connected finished spaces.

Basal Area: The area of cross-section of a tree stem at four and one half (4-1/2) feet above ground level and inclusive of bark.

Base Density: The maximum number of dwelling units allowed on a lot based on dimensional requirements in Section 15.A. of this Ordinance.

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

Bed and Breakfast: A home occupation in an owner-occupied dwelling in which 4 or fewer sleeping rooms are, for a fee, occupied by travelers and other transient guests staying for a limited duration (less than two weeks). The floor area devoted to the *Bed and Breakfast* may not exceed 50% of the total floor area of the dwelling unit. Breakfast is the only meal, if any, to be provided and served only to guests. There shall be no separate ownership of rooms. A *Bed and Breakfast* shall also meet all the requirements of a home occupation.

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

Buffers: Areas of land, together with specified types and amounts of planting thereon, and any structures that may be required between land uses to eliminate or minimize conflicts between them, or to provide mitigation of the adverse effects of surface water runoff, erosion and sedimentation or visual impacts on protected resources.

Building: A structure having a roof supported by posts, columns or walls. See also **Structural Terms**.

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

Campground: Any area or tract of land or a premise established for commercial use to accommodate two (2) or more parties for temporary camping or living quarters, including, but not limited to tent sites, lean-tos, seasonal cabins or similar structures, and sites for recreational vehicles. It does not include an **Individual Private Campsite** as defined herein.

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Centrally Managed Water System: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144C.M.R. Ch 231, Rules Relating to Drinking Water. This water system may be privately owned.

Coastal Bluff: A steep shoreline slope formed in sediment (loose material such as clay, silt, sand, and gravel) that has three feet or more vertical elevation just above the high-tide line.

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 Oceanic and Atmospheric Administration (NOAA) National Ocean Service. 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. Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland."

Commercial Fishing: The harvesting of fish, shellfish or bait for sale to a processor or distributor of those products or for sale on the open market by individual fishermen or groups of fishermen to provide financial gain. Commercial fishing does not include activities such as fish/shellfish processing or packaging, nor the operation of other marine-related activities including but not limited to marinas, excursion/sight-seeing vessels, or other recreational boating activities.

Commercial Use: The use of lands, buildings, or structures, other than a **Home Occupation** or **Low Impact Business**, defined below, the intent and result of which activity is provide financial gain from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. See also **Industrial Use**.

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch.241, *Subsurface Wastewater Disposal Rules*.

Comprehensive Plan: The most recently adopted Town of Bremen Comprehensive Plan.

Density Requirements: The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated Growth Area: The area that is designated in the Town of Bremen's

Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. As of July 1, 2024, Bremen does not have a Designated Growth Area.

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

Dimensional Requirements: The requirements which govern the size and placement of structures including, but not limited to, the following requirements: building/structure height, lot area, minimum shore frontage, setbacks, and lot depth.

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

Dock: See **Pier**.

Drainage: The removal of surface or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or alleviation of flooding.

Driveway: A vehicular access-way less than five hundred (500) feet in length serving up to two single-family dwellings or one two-family dwelling.

Dwelling: A building or similar structure or portion thereof, used exclusively for residential occupancy, including single-family, two-family, multiple family dwellings, and manufactured housing or mobile homes. See also **Recreational Vehicle** and **Structural Terms**.

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

Environmental Impact Plan: A written document prepared for the Planning Board by an applicant who proposes to use pesticides, herbicides, or fertilizers other than manure in the Shoreland Zone. In preparing such a document, the applicant should address, but not be limited to, how he or she plans to implement the following issues:

- Employing selective pesticides, herbicides, and fertilizers with limited range and in narrow bands that avoid impacting non-targeted areas and do not move easily into ground water once applied.
- Using pesticides and herbicides that are the least toxic to accomplish the intended purpose, that are short-lived in the environment and degrade rapidly, and that have low water solubility.
- Avoiding the application of pesticides, herbicides, and fertilizers on impervious surfaces where rain can wash them into the ground or water bodies.
- Retaining buffer areas untreated with pesticides, herbicides, or fertilizers of at least seventy-five (75) feet along water bodies.
- Properly disposing and removing unused pesticides, herbicides, and fertilizers and their containers from the treated areas.
- Preparing only the amounts of pesticides, herbicides and fertilizers that are needed, keeping materials in their original containers, avoiding mixing material and cleaning equipment near water bodies, and planning for spills and remediation of impacted areas and disposal of materials used to treat spills and perform remediation.
- Avoiding drift in the application process by, for example, spraying as close to the target as possible, avoiding misting by using coarse droplet nozzles, and not applying material on rainy days, days when the wind is gusty or in excess of 8 miles per hour, or on days when the temperature is above 90 degrees F to avoid vaporization.
- Taking precautions when applying materials to avoid harm to birds, beneficial insects, fish, and waterfowl.
- When applying fertilizers, determining what nutrients are needed and what is the appropriate time of year to accomplish the intended goal; for example, lawns may be best fertilized in early October, and require only one or two nutrients.

Erosion and Sedimentation Control Plan: A written document prepared by an applicant for activities that involve filing, grading, excavation, removal of vegetation, or similar activities that result in exposed or unstable soil conditions. Such a plan shall be submitted to the reviewing authority, for approval and shall include, where applicable, provisions for mulching and re-vegetation of disturbed soil, temporary runoff control measures, and permanent stabilization measures and/or structures. See Section 15.T. of this Ordinance.

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 or Enlargement of a Structure: See **Structural Terms**.

Expansion of or Enlargement of Use: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, or land

area occupied by a particular use. Increases that are required to meet the requirements of the ADA and the State Fire Code are not considered to be enlargements or expansions of use.

Family: One or more persons occupying a building and living as a single housekeeping unit.

Fertilizers: Any material of synthetic, natural, or organic origin other than manure that is applied to soils or to plant tissue to supply one or more plant nutrients that facilitate the growth of plants.

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.

Forest Management Activities: Timber cruising and other forest resources, evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, and other forest harvesting, regeneration of forest stands, and other similar associated activities, exclusive of timber harvesting and the construction or creation of roads.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

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.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, stone, or similar material.

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

(1) Of ten (10) 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.

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

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or 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, 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, shoreline structures necessary for erosion control purposes, 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 coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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 land held by a single owner.

Great Pond Classified GPA: Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Habitable: Area within a structure that is intended to provide living space by incorporating, as a minimum, controlled temperature, lighting, flooring and walls consistent with other portions of the structure used for human occupation.

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.

Height of a Structure: See **Structural Terms**.

Herbicides: Commonly known as weed killers. A pesticide used to control or kill plants, weeds, and grasses.

Home Occupation: A business, profession, occupation, or trade conducted for financial gain and located entirely on a residential lot in which the activity is accessory, incidental, and secondary to the use for dwelling purposes, and does not change the residential character or appearance of such building or lot.

Housing: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Impervious Surface: The area covered by buildings and associated constructed facilities, areas that have been or may be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads, driveways and unpaved parking areas, that have been or may be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, clay, asphalt, concrete, or stone materials, as well as roof tops, or other surfaces that similarly impede the natural infiltration of storm water.

Increase in Nonconformity of a Structure: See **Structural Terms**.

Individual Private Campsite: An area of land which is not associated with a campground, and is not operated as a commercial use, 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 clearing of trees, a gravel pad, parking area, fire place, or tent platform.

Industrial Use: Use of premises for assembling, fabricating, finishing, manufacturing, packaging or processing of goods.

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

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots. See the Land Use Ordinance for related definitions such as: **Lot Depth, Lot Frontage, Lot Width, etc**.

Lot Standards: The combination of controls that establishes the maximum size of a structure and its location. Components of lot standards, also known as space and bulk regulations in size and height of structure; location or exterior walls at all levels with respect to lot lines, streets, and other structures; structure coverage; gross floor area of structures in relation to lot area; setback requirements; and amount of lot area provided per dwelling unit.

Low Impact Business: A business, profession, occupation, or trade that is conducted for financial gain, and that does not change the rural and/or residential character of the neighborhood.

Low income: Family income which is between fifty percent (50%) and eighty percent (80%) of median family income for Lincoln County as established by the Maine State Housing Authority. (Revised effective June 8, 2022)

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

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

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 transports the removed product from the extraction site. See definition of **Earth Moving Activity** in the Land Use Ordinance.

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

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units. See also **Structural Terms**.

Native: Indigenous to the local forests.

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

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

Non-Conforming Structure: A structure which does not meet any one or more of the following dimensional requirements: setback, height, 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.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not allowed 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.

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.

Normal High-Water Line (Non-Tidal Waters): 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.

Note: Adjacent to **Tidal Waters**, setbacks are measured from the upland edge of the **Coastal Wetland.**

Normal Maintenance and Repair: Work that is necessary to maintain an improvement or structure in its originally or previously improved state or condition. Normal maintenance and repair shall not include reconstruction and any change in design, structure, use, location, size, or capacity.

Operational Necessity: Structure, road, or other construction required for the operation of a commercial fishing or other marine-related business, or for a public recreational activity or facility.

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.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, firm, association, company, organization, two or more individuals having a joint or common interest, or other legal entity.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails, or other biological agents not regulated as pesticides by the US Environmental Protection Agency. Herbicides, fungicides, insecticides, miticides, and rodenticides are considered pesticides.

Piers, Docks, Wharves, Bridges, and Other Structures: A seasonal or permanent platform-type structure, beginning on or adjacent to the shoreline, and built over the water or beyond the high-water line or within a wetland.

Seasonal: Structures which remain in or over the water or wetland for less than seven (7) months in any period of twelve (12) consecutive months, and are

supported by pipes or other posts or legs that are not driven into the bottom of the waterbody or wetland. All portions or components of a seasonal structure shall be removed from over or below the normal high water line for at least five (5) months of any calendar year.

Permanent: Structures which remain in or over the water or wetland for seven (7) months or more in any period of twelve (12) consecutive months, and can also be supported by cribbing or pilings driven into the bottom. If any portion of the structure is permanently fixed to the shoreline or driven into the bottom of a waterbody or adjacent upland of a wetland and is not removed for at least five (5) months of any calendar year, then the entire "system," consisting of both permanent and seasonal components, is considered permanent for purposes of permitting under the provisions of this Ordinance.

Potable: Water safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six (6) different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 17 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

Principal Use: A use other than one which is wholly incidental or accessory to another use on the same premises.

Protected Resource: Water bodies, coastal and freshwater wetlands as defined in this Ordinance.

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

Recent Floodplain Soil: The following soil series as described and identified by the National Cooperative Soil Survey:

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

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle: A vehicle and or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, that is not a dwelling, 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 roadworthy (i.e., possess a current registration sticker from any State Division of Motor Vehicles). An RV that is in use for cooking, sleeping, or toilet facilities within the shoreland zone and on the same lot for more than one-hundred and twenty (120) days per year shall be subject to all requirements for residential structures, 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. In addition, a **Residential Growth Cap Permit** must be obtained.

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 Growth Cap Permit: A permit to allow the establishment of a principal year-round residence to or in an existing structure or as a new stand-alone structure, in accordance with the Town of Bremen Residential Growth Cap Ordinance.

Restrictive Covenant: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

Reviewing Authority: The Planning Board or Code Enforcement Officer as indicated in Section 14 and the Table of Land Uses.

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.

Road: A currently regularly used and maintained route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing construction material constructed for or created by the repeated passage of motorized vehicles, excluding driveways as defined herein.

Road, Private: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

Road, Public: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

Salt Marsh: Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season, but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common three-square occurs in fresher areas.

Sapling: A tree species that is less than two (2) inches in diameter at four and one half (4-1/2) feet above ground level.

Seedling: A young tree species that is less than four and one half (4-1/2) feet in height above ground level.

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: 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, the total length of which is less than one thousand (1,000) feet; and

(2) In the case of telephone service: the extension, regardless of length, may be made by the installation of telephone wires to existing utility poles, or the total length of which is less than one thousand (1,000) feet.

Setback, Shoreline: The nearest horizontal distance from the normal high-water line of a water body or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area. See Land Use Ordinance for definitions of **Setback, Front**; **Setback, Side**; and **Setback, Rear**.

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: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of Biscay, McCurdy, Pemaquid, and Webber Ponds and the waterways that flow between them; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; 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.

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

Short-Term Rental: A portion, or the entirety of, a parcel of land or structure that is intended to be rented out commercially to a non-family member for less than one-hundred and eighty (180) consecutive days.

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.

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, 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 to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure: Anything temporarily or permanently located, built, constructed, fabricated, or erected 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 guying and guy anchors. The term includes structures such as decks, patios, garages and greenhouses. Structure does not include subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

STRUCTURAL TERMS:

Dwelling, Multi-Family: A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other in individual dwelling units that share a common wall, floor, or roof. Examples of multi-family dwellings include but are not limited to apartments, attached town houses, group houses, and row houses.

Dwelling, Seasonal: A dwelling unit that is not adapted to year-round habitation due to the nature of its construction such as the absence of sufficient insulation, heating system, water supply, or sewage disposal system.

Dwelling, Single-Family: A dwelling unit designed and equipped for use ~~and occupied~~ by not more than one (1) household or family at a time and having no roof, wall, or floor in common with any other dwelling unit.

Dwelling, Two-Family: A building used for residential occupancy by two (2) households or families living in individual dwelling units that share a common wall, floor or roof.

Dwelling Unit, Accessory (ADU): A self-contained dwelling unit located within, attached to or detached from an existing structure located on the same parcel of land. Whether within, attached or detached, an ADU must have a minimum footprint of one hundred ninety (190) square feet and a maximum footprint of seven hundred (700) square feet.

One (1) ADU is allowed, with a permit, in any Shoreland Zone District where single family dwellings are an allowed use, as long as the lot contains an existing single family dwelling and the lot contains at least eighty thousand (80,000) square feet of area and two hundred (200) feet of shore frontage. The ADU is subject to the same waterbody and other setbacks, building height, lot coverage and other Section 15.B. standards as any other dwelling unit that is located in the Shoreland Zone. However, the Section 12.C (1) expansion limitations apply if the existing dwelling does not meet the current Section 15.B. waterbody or wetland setbacks and construction of the ADU requires expansion of the existing dwelling. An ADU that is created by the expansion of an existing conforming structure shall have a maximum height of thirty (30) feet or the height of the existing structure, whichever is greater. A detached ADU shall meet the current Section 15.B waterbody and wetland setbacks for new structures, and have a maximum height of thirty (30) feet.

The owner of an ADU must provide written verification that the proposed unit can be connected to adequate water and wastewater services prior to certification for occupancy. Written verification must include the following:

a. If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit(s) and proof of payment for the connection to the system;
b. If connected to a new or existing private septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRSA§4221. Plans for a subsurface wastewater disposal system must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, Subsurface Wastewater Disposal Rules;
c. If connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit;
d. If connected to a new or existing private well, proof of access to potable water, including the standards outlined in 01-672 CMR. Ch.10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must include that the water supply is potable and acceptable for domestic use.

ADUs are exempt from the Town of Bremen Residential Growth Cap Ordinance. An ADU cannot be used as a **Short-Term Rental** as defined in this Ordinance.

Dwelling, Unit/Apartment: A room or group of rooms designed and equipped exclusively for use as permanent, temporary or seasonal living quarters for only one (1) household or family at a time, including provisions for ~~living~~ sleeping, cooking, and ~~eating~~ toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. See also **Recreational Vehicle**.

Dwelling Unit, Existing: A dwelling unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

Dwelling Unit, Residential: A residential structure designed and equipped exclusively for use as living quarters for only one (1) household or family at a time, and containing provisions for cooking, sleeping, and toilet facilities.

Structure, Accessory: A detached, subordinate structure the use of which is clearly incidental and related to that of the principal structure or use of the land and which is located on the same lot as the principal structure or use. For residential uses, see **Accessory Dwelling Unit.**

Structure, Exempted: Construction/installation of the following types of structures do not require a permit under this Ordinance. Wiring and other aerial equipment normally associated with service drops together with associated guying and guy anchors, customary lawn furniture and accessories such as mailboxes, benches, and other such items as determined by the CEO; external oil, gas, propane, or water tanks with no greater than five hundred (500) gallon capacity; boundary walls; fences; at-grade dirt, gravel, stone or wood chip walkways and trails; wooden or wood composite bog bridges; other wooden or wood composite bridges no more than fifteen (15) feet long that span the bridged area and do not require earthwork; flagpoles; and light poles. **Exempted Structures** also include tents that have a footprint of two hundred (200) square feet or less that are set up for no more than six (6) months in a calendar year, or tents with a footprint greater than two hundred (200) square feet that are set up for no more than fourteen (14) days in a calendar year.

Structure, Expanded: An increase in the footprint or height of a structure, including all extensions such as, but not limited to attached decks, garages, patios, porches and greenhouses. Alterations of existing structures that are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

Extensions of the deck of, or a ramp from the ground to, a pier, dock or wharf or other structure that is required in order to raise a structure up to four (4) feet above the FEMA base flood elevation to prevent damage or loss of use due to sea level rise are not considered to be enlargements or expansions under the provisions of this Ordinance, provided the extensions are the minimum length needed to accommodate the height increase. The dimensions of the structure must otherwise remain the same and no additional fill within or adjacent to the waterbody or wetland is allowed without a permit.

Structure Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by and including the thickness of exterior walls, plus the horizontal areas of any unenclosed portions of a structure such as attached garages porches, patios and decks. Floor area includes the habitable portion of a dwelling's basement or attic or, if not a dwelling, the portion of a structure's basement or attic that will or could be utilized without modifications for the structure's intended use.

Structure Footprint: The entire area of ground covered by the structure(s) on a lot, measured from the exterior surface of the exterior walls at grade level, including but not

limited to cantilevered or similar overhanging extensions, as well as attached, enclosed or unenclosed structures, such as garages, porches, patios and decks. Where a structure or a portion of a structure is elevated above grade level on posts or similar supports, its footprint is the area of ground that would be covered if it were located at ground level.

Structure, Height: Height of a structure means:

(1) With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph 2, below, including legally existing nonconforming structures, 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; and

(2) With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to avoid damage or restriction of use due to sea level rise, or to be consistent with the minimum elevation required by the Bremen Floodplain Management Ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

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

Structure, Non-Conforming: A structure which does not meet any one or more of the following dimensional requirements: setback, height, 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.

Structure, Permanent: A building or other structure that does not meet the definition of a **Temporary Structure** or a **Seasonal Dock**.

Structure, Principal: A building or similar structure in which is conducted, or in which intended to be conducted, the main or primary use of the lot on which it is located.

Structure, Temporary: A building or other structure that is located in one place for no more than nine (9) contiguous months. The building/structure must be taken down or moved after nine (9) months and may not be reconstructed or replaced at its original location for at least two (2) years from the date it is moved or its removal is completed. A Temporary Structure may not have plumbing except to allow for the use of water for irrigation or other watering of plants or animals.

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

Substantially Commenced/Substantial Start: Construction shall be considered to be substantially commenced when any work has begun other than excavation, including but not limited to, the pouring of a slab, footings or foundation walls, the installation of piles, the construction of columns or the placement of a manufactured home on a foundation.

Substantially Completed/Project Completion: Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public, and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

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.

Tent: A temporary shelter that is placed on or over the ground and having a roof and/or sides made from natural or synthetic fabrics or plastic. A tent may also have a floor that is made from these same materials. A platform that may be used beneath a tent is a separate structure from the tent.

Tidal Waters: All waters affected by tidal action during the highest annual tide.

Timber Harvesting: The cutting and removal of timber and related activities for the primary purpose of selling or processing forest products, including the construction and maintenance of roads used primarily for timber harvesting. The State of Maine regulates timber harvesting in Bremen's shoreland zone. Timber harvesting does not in include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. Such cutting or removal of trees is regulated pursuant to Section 15.P.

Tree: A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4-1/2) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

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 a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "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 coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

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

Velocity Zone, Flood Plain: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Vernal Pool: A shallow depression that usually contains water for only part of the year. Significant vernal pools are a subset of vernal pools with particularly valuable habitat.

Water Body: Biscay, McCurdy, Pemaquid and Webber Ponds and the waterways that flow between them, **Streams**, **Tributary Streams**, and **Tidal Waters** as defined herein.

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.

Wetland: A coastal or freshwater wetland, as defined herein.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Zoning Ordinance: A type of ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.