

## 2023 ZONING AMENDMENTS

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PROPOSED AMENDMENT OF  
*the*  
**SHORELAND ZONING ORDINANCE  
FOR THE TOWN OF RAYMOND, MAINE**

§ 350-7.7. B(6) – APPEALS

**Summary of Changes:** This amendment to the Shoreland Zoning Ordinance is mandatory following ORDER #31-2022 from the Maine Department of Environmental Protection. The Department Order requires the single-family setback variance be removed from the ordinance since it is now considered less strict than State minimum standards.

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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- B. Variance appeals. Except as provided in Subsection B(6) below, variances may be granted only under the following conditions: [Amended 7-14-2021; 6-14-2022]
- 1) Variances may be granted only from dimensional requirements, including, but not limited to, lot width, structure height, percent of lot coverage and setback requirements.
  - 2) Variances shall not be granted for the establishment of any uses otherwise prohibited by these ordinance provisions.
  - 3) The Board shall not grant a variance unless it finds that:
    - a) The proposed structure or use would meet the provisions of Article 6 after for the specific provision which has created the nonconformity and from which relief is sought; and
    - b) The strict application of the terms of these ordinance provisions would result in undue hardship. The term "undue hardship" shall mean:
      1. That the land in question cannot yield a reasonable return unless a variance is granted;
      2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
      3. That the granting of a variance will not alter the essential character of the locality; and

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4. That the hardship is not the result of action taken by the applicant or a prior owner.
  - 4) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of these ordinance provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
  - 5) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
  - 6) ~~Reserved. To grant a setback variance for a single family dwelling only when strict application of the shoreland zoning provisions to the applicant and the applicant's property would cause undue hardship.~~
    - a) ~~The term "undue hardship" as used in this subsection means:~~
      1. ~~The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;~~
      2. ~~The granting of the variance will not alter the essential character of the locality;~~
      3. ~~The hardship is not the result of action taken by the applicant or a prior owner;~~
      4. ~~The granting of the variance will not substantially reduce or impair the use of abutting property;~~
      5. ~~The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.~~
    - b) ~~This variance is strictly limited to permitting a variance from a setback requirement for a single family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.~~

- 7) The Code Enforcement Officer may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railings, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Subsections B(5) and C(2)(f).

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PROPOSED AMENDMENT OF  
*the*  
**SHORELAND ZONING ORDINANCE  
FOR THE TOWN OF RAYMOND, MAINE**

§ 350-8.2. – TERMS DEFINED

**Summary of Changes:** This amendment to the Shoreland Zoning Ordinance is mandatory following ORDER #31-2022 from the Maine Department of Environmental Protection. The Department Order requires an amendment to the current less strict definitions of Solar Energy System, and Structure.

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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**SOLAR ENERGY SYSTEM** — A device or structural design feature principally used to capture solar energy and convert it to electrical or ~~thermal power~~ solar power to meet the energy needs of allowed residential uses on a lot with any sale of energy to the power grid, or otherwise, limited to incidental excess power generation. A Solar Energy System consists of one or more free-standing ground-mounted, or building-mounted, solar arrays or modules, or solar-related equipment. [Added 6-14-2022]

**SOLAR ENERGY SYSTEM, BUILDING-MOUNTED** — A solar energy system that is mounted to the roof or sides of a building. [Added 6-14-2022]

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED** — A solar energy system that is structurally mounted to the ground and is not attached to a permitted building. [Added 6-14-2022]

**STRUCTURE** — [Amended 6-14-2022]

- A. Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of vegetation, ~~boundary walls four feet or less in height, fences, mailboxes, lampposts, birdhouses, doghouses, tree houses designed for children's use, bus shelters,~~ subsurface wastewater disposal systems as defined in Title 30-A, M.R.S.A. § 4201, Ssubsection 5, geothermal heat exchange wells as defined in Title 32, M.R.S.A. § 4700-E, Ssubsection 3-C, wells or water wells as defined in Title 32, M.R.S.A. § 4700-E, Ssubsection 8, or other similar construction. The term includes but is not limited to structures temporarily or permanently located, such as decks, carports, patios, satellite dishes, communications systems, ground-mounted solar energy systems, building-mounted solar energy systems, antennas, pools, etc. Utility poles, wiring, and the aerial equipment normally associated with service drops, including guy wires and guy anchors, shall not be considered structures; however, they must meet the minimum

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required setbacks from the high-water mark of any pond, lake, stream, or river.

B. Structure terms.

- 1) **PRINCIPAL STRUCTURE** — The structure in which the primary use of the lot is conducted.
- 2) **ACCESSORY STRUCTURE** — A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.
- 3) Temporary piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that remain in the water for less than seven months in any period of 12 consecutive months.
- 4) Permanent piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that are not removed from the water annually.
- 5) **SINGLE-FAMILY DWELLING** — A structure containing not more than one dwelling unit.
- 6) **MULTIFAMILY DWELLING** — A structure containing two or more dwelling units.
- 7) In the Shoreland Zone, 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 conditions of § 350-6.3G are met.

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PROPOSED AMENDMENT OF  
*the*  
**LAND USE ORDINANCE  
FOR THE TOWN OF RAYMOND, MAINE**

§ 300-13.3D(4)(c) – OPEN SPACE SUBDIVISIONS

**Summary of Changes:** During the codification project, a review of the Land Use Ordinance found the following error. 13.3D(4)(c) points to an ordinance section that does not exist. We believe the correct section should have been § 300-13.3.

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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D. Space standards.

- 1) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the zoning district.
- 2) Distances between residential structures in multifamily open space subdivisions shall be a minimum of the height of the tallest structure.
- 3) In areas outside of the LRR1 and LRR2 Districts, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions to no less than 20,000 square feet. The required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions within the LRR1 and LRR2 Districts to one acre and 1 1/2 acres, respectively. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the zoning district, notwithstanding the net residential density allowed by Subsection B, above, of this performance standard. [Amended 6-14-2022]
- 4) Minimum road frontage requirements of the Land Use Ordinance and Subdivision Regulations may be waived or modified by the Planning Board, provided that:
  - a) Any applicable provisions regarding roads in the Street Ordinance are satisfied.
  - b) Adequate road curvature design access and turnaround termini, to and from all parcels, for fire trucks, ambulances, police cars and other emergency vehicles meet minimal safe turning radii requirements over all internal access streets, ways or driveways. Roads shall consider

extension of rights of way to adjoining lands where development is possible in the future, and the Planning Board will promote the offering of such open space subdivision streets and rights-of-way for public acceptance. [Amended 7-14-2021]

- c) No common driveway shall provide access to more than three lots, except as provided in § 300-13.3. Article 13, Section C.6.



PROPOSED AMENDMENT OF  
*the*  
**LAND USE ORDINANCE**  
**FOR THE TOWN OF RAYMOND, MAINE**

§ 300-10.5. – CRITERIA AND STANDARDS

**Summary of Changes:** This amendment to the Land Use Ordinance will require special feature areas to meet minimum district setbacks. For example, a dumpster pad or exposed machinery installation will need to meet minimum setbacks. Currently, they are not required to meet the minimum setback as long as they are screened (fence, shrubs, etc).

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**§ 300-10.5. Criteria and standards.**

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

- A. Preservation of landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
  - 1) If a site includes a ridge or ridges which are elevated above the surrounding areas and provide scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Buildings shall be located so that they are not clearly visible from surrounding areas. Siting away from the skyline, plantings and buffering landscaping are potential methods of preserving the scenic vista.
  - 2) The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological sites be preserved to the maximum extent possible, both during construction and following completion of the development.
- B. Relation of proposed buildings to the environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the

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proposed building(s), massing of the structure(s) and such natural features as slope, orientation, soil type, and drainage courses.

- C. Vehicular access. The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts.
- D. Parking and circulation. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas, shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. These facilities shall be safe and convenient and insofar as practicable, shall not detract from the proposed buildings and neighboring properties.
- E. Surface water drainage. Adequate provisions shall be made for surface drainage so that the removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients, and elevated temperatures in stormwater runoff from developed areas. [Amended 12-2-2008]
- F. Utilities. The site plan shall show what provisions are being proposed for water supply and wastewater disposal. Electric, telephone, and other utility lines shall be installed underground.
- G. Special features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, similar accessory areas, and structures, ~~and similar accessory areas and structures~~ shall be subject to the minimumsueh setbacks required for the zoning district. Sscreen plantings or other screening methods ~~as~~ shall ~~reasonably~~ be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties, when necessary.
- H. Exterior lighting. All exterior lighting shall be designed to encourage energy efficiency, to ensure the safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

- I. Emergency vehicle access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
  
- J. Landscaping. Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas.
  
- K. The standards and regulations set forth in Article 9 of this chapter shall be adhered to where applicable.

PROPOSED AMENDMENT OF  
*the*  
**LAND USE ORDINANCE**  
**FOR THE TOWN OF RAYMOND, MAINE**

§ 300-9.22. – SHIPPING CONTAINERS

§ 300-12.2. – TERMS DEFINED

**Summary of Changes:**

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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**§ 300-9.22. Shipping containers.**

A. Residential zoning districts.

- 1) Shipping containers are not permitted in a residential zoning district. A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of not more than one shipping container on a residential lot if he/she can demonstrate to the satisfaction of the CEO that such shipping container was on his/her lot and in active use as of January 1, 2004. The CEO shall not issue such permit unless the property owner has submitted a written application within six months of the effective date of this chapter. The application shall include information on the container's size, type and location on the property. No such container shall be located within a required setback or between the principal structure and the front lot line.
- 2) A property owner may apply for a shipping container permit to temporarily locate a single shipping container on a lot in a residential zoning district for a period not to exceed six months. Use of such shipping container shall be limited to the temporary storage of residential goods, such as household furniture, appliances, bathroom fixtures, clothing and similar items, while the residence is being remodeled or is being repaired after damage due to fire, flood or similar event. A three-month extension of a shipping container permit may be granted at the discretion of the CEO.

B. Nonresidential zoning districts.

- 1) Shipping containers are permitted in nonresidential zoning districts subject to site plan review by the Planning Board and issuance of a shipping container permit by

the CEO and further subject to the following standards:

- a) Their use is limited to the temporary storage of goods, products or materials that are manufactured or assembled on the site or used in manufacturing and assembly on the site.
  - b) The total floor area of all shipping containers on a lot shall not exceed 700 square feet.
  - c) They are located outside of any required setback, parking space or vehicle maneuvering area.
  - d) They do not adversely affect sight distance at any point of access from the site onto a public or private way.
  - e) They do not adversely affect stormwater flow across the site.
- 2) A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of shipping containers on a nonresidential lot if he/she can demonstrate to the satisfaction of the CEO that such shipping containers were on his/her lot and in active use as of January 1, 2004. The CEO may not issue such permit unless the property owner has submitted a written application within six months of the effective date of this chapter. The application shall include a site plan that shows the location of all shipping containers in relation to existing improvements and demonstrates compliance with the standards of Subsection B(1)(a) through (e). In the event the site does not comply with one or more of the Subsection B(1) standards, the application shall include a written plan demonstrating how the site will be brought into conformance within three months of issuance of a shipping container permit. If the CEO determines that the site has not been brought into compliance with the Subsection B(1) standards within this time period, he/she may revoke the shipping container permit and order all shipping containers removed from the site.
- 3) Shipping containers may be temporarily placed on property in a Commercial or Industrial District where a construction project is occurring and utilized for the storage of construction materials, equipment, tools, etc. without a shipping container permit from the CEO. In all cases, such shipping containers shall not be placed where they will diminish or negatively impact sight distance, cause a hazard to the traveling public or negatively impact existing stormwater flow across the site. Such shipping containers shall be removed within 30 days after the completion of the construction project. [Added 5-15-2004]
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**Land Use Ordinance § 300-12.2. – Terms Defined.**

SHIPPING CONTAINER — A roofed or unroofed container placed outdoors and used for the storage of goods, materials or merchandise, which is utilized in connection with a lawful principal or accessory use of the lot. The term "storage container" includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and "piggy-back" containers. The term "storage container" does not include:

- A. A garage, barn or storage structure accessory to a principal use, provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise.
- B. A "dumpster"-type container that is owned by a licensed waste hauler and is emptied no less than once a month, provided that use of such container is incidental to the principal use of the property. **[Added 5-15-2004]**

PROPOSED AMENDMENT OF  
*the*  
**LAND USE MAP**  
**FOR THE TOWN OF RAYMOND, MAINE**

§ 300-2.2. – LAND USE REGULATION MAP  
§ 350-2.1. – DISTRICTS AND ZONING MAP

**Summary of Changes:**

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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**§ 300-2.2. Land Use Regulation Map.**  
**§ 350-2.1. Districts and Zoning Map.**

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PROPOSED AMENDMENT OF  
*the*  
**SHORELAND ZONING ORDINANCE  
FOR THE TOWN OF RAYMOND, MAINE**

§ 350-7-3. – PERMIT APPLICATION

**Summary of Changes:** This amendment to the Shoreland Zoning Ordinance is mandatory per Title 38 §439-A(10). State law now requires pre-construction and post-construction photos for projects that occur within the shoreland zone.

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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**§ 350-7.3. Permit application.**

- A. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Article 5.
- B. 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.
- C. 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.
- D. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
- E. When an excavation contractor will perform an activity that requires or results in more than one cubic yard of soil disturbance, the person responsible for the management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the



person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state, and federal employees engaged in projects associated with that employment.

- F. All applications for development within the shoreland zone must include preconstruction photographs. No later than twenty (20) days after completion of the development, postconstruction photographs of the shoreline vegetation and development site must be submitted to the Code Enforcement Officer.

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PROPOSED AMENDMENT OF  
*the*  
**SUBDIVISION ORDINANCE  
FOR THE TOWN OF RAYMOND, MAINE**

Article 6(4) – AMENDMENTS TO PREVIOUSLY APPROVED SUBDIVISION PLAN  
Article 7(4) – AMENDMENTS TO PREVIOUSLY APPROVED SUBDIVISION PLAN

**Summary of Changes:** This proposed amendment to the Subdivision Ordinance would require notification to be sent to all lot owners within a subdivision when an amendment to that subdivision has been proposed. Currently, notification is only sent to lot owners within 250’ of the properties involved. If this amendment is approved all lot owners, regardless of the distance from the subject property, would be notified.

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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**Article 6**

**4. Amendments to Previously Approved Subdivision Plan**

Prior to making any change, erasure, modification, or revision to a final Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. Prior to taking final action on any amended Subdivision Plan, the Planning Board may hold a public hearing ~~may be held~~ to afford the public the opportunity to comment on the application concerning a subdivision amendment as prescribed in Article 5, Section 1.F of this Ordinance. Notice of the time, place, and date, of such hearing, shall be sent not less than seven (7) days before the hearing to the owners of all existing lots on the Subdivision Plan. Property owners shall be those listed in the most recent tax records of the Town of Raymond. All amended plans must be signed by the Board and recorded in the Registry of Deeds within sixty (60) days of the date the plan is signed. Any amended plan not so filed or recorded within sixty (60) days of the date the plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the plan has been filed and giving the book and page numbers.

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**Article 7**

**4. Amendments to Previously Approved Subdivision Plan**

Prior to making any change, erasure, modification, or revision to a Minor Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be

resubmitted to the Board for their review and approval of the proposed modifications. Prior to taking final action on any amended Minor Subdivision Plan, the Planning Board may hold a public hearing to afford the public the opportunity to comment on the application ~~may be held concerning a subdivision amendment~~ as prescribed in ~~Section~~Article 7 1.F(E) above. Notice of the time, place, and date, of such hearing, shall be sent not less than seven (7) days before the hearing to the owners of all existing lots on the Minor Subdivision Plan. Property owners shall be those listed in the most recent tax records of the Town of Raymond. All amended plans must be signed by the Board and recorded in the Registry of Deeds within sixty (60) days of the date the plan is signed. Any amended plan not so filed or recorded within sixty (60) days of the date the plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. Any extension of the 60-day period must be requested of the Planning Board before the previous 60-day period expires. The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the plan has been filed and giving the book and page numbers.

PROPOSED AMENDMENT OF  
*the*  
**LAND USE ORDINANCE  
FOR THE TOWN OF RAYMOND, MAINE**

§ 300-9.26. – ACCESSORY APARTMENTS  
§ 300-12.2. – TERMS DEFINED

&

*The*  
**SHORELAND ZONING ORDINANCE  
FOR THE TOWN OF RAYMOND, MAINE**

§ 350-5.4. – TABLE OF LAND USES  
§ 350-8.2. – TERMS DEFINED

**Summary of Changes:** The proposed amendment is necessary in order to maintain consistency with the new Accessory Dwelling Unit (ADU) law contained within LD 2003, 30-A M.R.S. § 4364-B.

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

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**§ 300-9.26. Accessory Dwelling Unitsapartments. [Added 6-3-2015]**

Accessory Dwelling Unitsapartments, constructed within an existing dwelling unit on a lot, attached to or sharing a wall with a single-family dwelling unit, or detached, as a new structure on the lot for the primary purpose of creating an accessory dwelling unit, shall be allowed on the same lot as a single-family dwelling unit in any zone where housing is permitted. in a residential zone, provided that the existing structure and accessory apartment shall not cover the lot by more than 15%. The Appeals Board may grant an additional 5%. If the total number of bedrooms or potential bedrooms exceeds by more than one the number of bedrooms the septic system is designed for, a replacement or expanded system shall be designed and installed before occupancy. The accessory apartment may be a minimum of 190 s.f. and shall not comprise more than 700 square feet of living space, excluding stairways. Not more than one accessory apartment shall be permitted per parcel. No additional parking is required for an accessory dwelling unit beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

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**§ 300-12.2. Terms defined.**

**Accessory Dwelling Unit Apartments** – A separate dwelling unit ~~of no more than 700 square feet, excluding stairways, either attached or detached, and~~ located on the same parcel with a single family dwelling. The accessory dwelling unit apartment shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling unit.

**§ 350-5.4. Table of Land Uses. [Amended 6-14-2022]**

<b>Table 1 Land Uses in the Shoreland Zone</b>				
<b>Land Uses</b>		<b>RP</b>	<b>SP</b>	<b>LRR1 LRR2</b>
1.	Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3.	Forest management activities, except for timber harvesting	yes	yes	yes
4.	Timber harvesting*	CEO <sup>1</sup>	yes	yes
5.	Clearing or removal of vegetation for activities other than timber harvesting	CEO <sup>1</sup>	CEO	CEO
6.	Fire prevention activities	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes
8.	Soil and water conservation practices	yes	yes	yes
9.	Mineral exploration*	yes <sup>2</sup>	no	yes <sup>2</sup>
10.	Mineral extraction, including sand and gravel	CEO <sup>3</sup>	no	CEO
11.	Surveying and resource analysis	yes	yes	yes
12.	Emergency operations	yes	yes	yes
13.	Agriculture*	PB	yes	yes
14.	Aquaculture	PB	PB	PB
15.	Principal structures and uses	—	—	—
15A.	Single-family residential ***	no	no	CEO
15B.	Two-family residential	no	no	CEO
15C.	Multifamily residential	no	no	no

15D.	Small nonresidential facilities for education, scientific or nature interpretation purposes	PB	PB	CEO
15E.	Public facilities	no	no	PB
15F.	Elderly housing	no	no	yes
16.	Accessory structure or uses	PB	PB	CEO
16A.	Accessory <del>dwelling units</del> <del>apartments</del>	no	no	CEO
17.	Piers, docks, wharves, bridges, boat launches and other structures and uses extending over or below the normal high-water line or within a wetland	—	—	—
17A.	Temporary	CEO 7	CEO	CEO7
17B.	Permanent	PB	PB	PB
18.	Conversions of seasonal residences to year-round residences	no	no	CEO
19.	Home occupations**	no	no	yes
20.	Private sewage disposal systems for allowed uses	no	no	CEO
21.	Essential services	PB4	PB4	PB
22.	Service drops, as defined, to allowed uses	yes	yes	yes
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB
24.	Personal campsites	CEO	CEO	CEO
25.	Campgrounds	no5	no	PB
26.	Road and driveway construction*	no6	PB	CEO
27.	Parking areas	no5	no	PB
28.	Marinas	no	PB	PB
29.	Filling and earthmoving of less than 10 cubic yards	CEO	CEO	yes
30.	Filling and earthmoving of more than 10 cubic yards	PB	PB	CEO
31.	Signs*	yes	yes	yes
32.	Uses similar to allowed uses	CEO	CEO	CEO
33.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
34.	Uses similar to uses requiring a PB	PB	PB	PB

	permit			
35.	Solar energy systems	no	no	PB

**Notes:**

- \* There may be additional performance standards in Article 9 of the Raymond Land Use Ordinance beyond those in Article 6 of these shoreland zoning provisions.
- \*\* Home occupations are those land uses that conform with the requirements of Article 9. A home occupation that conforms to Article 9 and that is specifically permitted by Article 11 of the Raymond Land Use Ordinance shall be considered a permitted use in the Limited Residential/Recreation I and II Districts. All other home occupations not specifically listed in the definitions of home occupations in Article 12 of the Raymond Land Use Ordinance shall be considered conditional uses that must conform to the standards set forth in Article 9, § 300-9.2, of the Raymond Land Use Ordinance and that must be reviewed and approved by the Appeals Board.
- \*\*\* Allowed single-family structures shall include those units commonly called "modular homes" or "Type 2 manufactured homes" as defined in the definition of "manufactured housing" in Article 12, § 300-12.2, Terms defined; which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.
1. (Reserved)<sup>2</sup>
  2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, are disturbed.
  3. In RP not permitted in areas so designated because of wildlife value.
  4. See further restrictions in § 350-6.14B(2).
  5. Except for Panther Run's floodplain, in which case a permit is required from the Planning Board.
  6. Except to provide for permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.
  7. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

<sup>2</sup> Editor's Note: Original Note 1 was repealed 6-7-2012.

**§ 350-8.2. – Terms defined.**

ACCESSORY DWELLING UNIT APARTMENT — A separate dwelling unit ~~of no more than 700 square feet, either attached or detached and~~ located on the same parcel with a single-family dwelling. The accessory dwelling unit apartment shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling.



PROPOSED AMENDMENT OF

*The*  
**SHORELAND ZONING ORDINANCE  
 FOR THE TOWN OF RAYMOND, MAINE**

§ 350-5.4. – TABLE OF LAND USES  
 § 350-6.17. – TIMBER HARVESTING: STATEWIDE STANDARDS  
 § 350-8.2. – TERMS DEFINED

**Summary of Changes:** This proposed amendment would remove all language pertaining to timber harvesting within the Shoreland Zone. Currently, in Raymond timber harvesting is enforced by the State of Maine. In order to maintain that enforcement, the proposed amendment is mandatory. Otherwise, Raymond will need to enforce all the timber harvesting standards in the Shoreland Zoning Ordinance.

The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

**§ 350-5.4. Table of Land Uses. [Amended 6-14-2022]**

Table 1 Land Uses in the Shoreland Zone				
Land Uses	RP	SP	LRR1	LRR2
3. <del>Forest management activities, except for timber harvesting</del> <u>Reserved</u>	yes ==	yes ==	yes ==	yes ==
4. <del>Timber harvesting*</del> <u>Reserved</u>	== <del>CEO</del> ‡	yes ==	yes ==	yes ==

**Notes:**

\* There may be additional performance standards in Article 9 of the Raymond Land Use Ordinance beyond those in Article 6 of these shoreland zoning provisions.

\*\* Home occupations are those land uses that conform with the requirements of Article 9. A home occupation that conforms to Article 9 and that is specifically permitted by Article 11 of the Raymond Land Use Ordinance shall be considered a permitted use in the Limited Residential/Recreation I and II Districts. All other home occupations not specifically listed in the definitions of home occupations in Article 12 of the Raymond Land Use Ordinance shall be considered conditional uses that must conform to the standards set forth in Article 9, § 300-9.2, of the Raymond Land Use Ordinance and that must be reviewed and approved by the Appeals Board.

\*\*\* Allowed single-family structures shall include those units commonly called "modular homes" or "Type 2 manufactured homes" as defined in the definition of "manufactured housing" in Article 12, § 300-12.2, Terms defined; which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

1. (Reserved)<sup>2</sup>
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, are disturbed.
3. In RP not permitted in areas so designated because of wildlife value.
4. See further restrictions in § 350-6.14B(2).
5. Except for Panther Run's floodplain, in which case a permit is required from the Planning Board.
6. Except to provide for permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.
7. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

**§ 350-6.17. – ~~Timber harvesting: statewide standards.~~Reserved**

~~[Effective on effective date established in § 350-1.4B.]~~

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<sup>2</sup> Editor's Note: Original Note 1 was repealed 6-7-2012.

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~~A. Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.~~

~~B. Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. This Subsection B does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.~~

~~1) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil may be left in place, provided that no part thereof extends more than four feet above the ground.~~

~~2) Adjacent to great ponds, rivers and wetlands:~~

~~(a) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and~~

~~(b) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than three inches in diameter must be disposed of in such a manner that no part thereof extends more than four feet above the ground.~~

~~C. Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained.~~

~~1) This requirement may be satisfied by following one of the following three options:~~

~~(a) Option 1 (40% volume removal), as follows:~~

- ~~1. Harvesting of no more than 40% of the total volume on each acre of trees 4.5 inches DBH or greater in any ten-year period is allowed. Volume may be considered to be equivalent to basal area;~~
- ~~2. A well-distributed stand of trees which is windfirm, and other vegetation, including existing ground cover, must be maintained; and~~
- ~~3. Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams and great ponds, and within 75 feet, horizontal distance, of the upland edge of a wetland, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.~~

~~(b) Option 2 (60 square foot basal area retention), as follows:~~

- ~~1. The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;~~
- ~~2. A well-distributed stand of trees which is windfirm, and other vegetation, including existing ground cover, must be maintained; and~~
- ~~3. Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the~~

~~forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.~~

~~(c) Option 3 (outcome based), which requires: An alternative method proposed in an application, signed by a licensed forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.~~

~~2) Landowners must designate on the Forest Operations Notification Form required by 12 M.R.S.A. Chapter 805, Subchapter 5, which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.~~

~~3) The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.~~

~~D. Skid trails, yards and equipment operation. This requirement applies to the construction, maintenance and use of skid trails and yards in shoreland areas.~~

~~1) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.~~

~~2) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream or wetland. Upon termination of their use, skid trails and yards must be stabilized.~~

~~3) Setbacks.~~

~~(a) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream or~~

~~wetland. On slopes of 10% or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5% increase in slope above 10%. Where slopes fall away from the resource, no increase in the twenty-five-foot setback is required.~~

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

~~E. Land management roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels and wetlands, ditches and other related structures, must be designed, constructed and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Subsection G of this rule.~~

~~1) Land management roads and associated ditches, excavation and fill must be set back at least:~~

~~(a) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;~~

~~(b) 50 feet, horizontal distance, from the normal high-water line of streams; and~~

~~(c) 25 feet, horizontal distance, from the normal high-water line of tributary streams.~~

~~2) The minimum 100-foot setback specified in Subsection E(1)(a) above may be reduced to no less than 50 feet, horizontal distance, and the 50-foot setback~~

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~~specified in Subsection E(1)(b) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~

- ~~3) On slopes of 10% or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5% increase in slope above 10%.~~
- ~~4) New land management roads are not allowed within the shoreland area along significant river segments as identified in 38 M.R.S.A. § 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the Shoreland Zone, and that the new road must be set back as far as practicable from the normal high water line and screened from the river by existing vegetation.~~
- ~~5) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Subsection G. Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~
- ~~6) Road closeout and discontinuance. Maintenance of the water control installations required in Subsection E(5) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate~~

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

- ~~7) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of this § 350-6.17. Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.~~
- ~~8) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Subsection E(1) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~
- ~~9) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.~~
- ~~F. Crossings of water bodies. Crossings of rivers, streams and tributary streams must allow for fish passage at all times of the year, must not impound water and must allow for the maintenance of normal flows.~~
- ~~1) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the ten and twenty five-year frequency water flows and thereby determining water crossing sizes as required in this § 350-6.17: The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.~~



- ~~2) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of this § 350-6.17. Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high water line must conform to the provisions of this § 350-6.17.~~
- ~~3) Other agency permits. Any timber harvesting and related activities involving the design, construction and maintenance of crossings on water bodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection or the U.S. Army Corps of Engineers.~~
- ~~4) Any timber harvesting and related activities involving the design, construction and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.~~
- ~~5) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
  - ~~(a) A map showing the location of all proposed permanent crossings;~~
  - ~~(b) The GPS location of all proposed permanent crossings;~~
  - ~~(c) For any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and~~
  - ~~(d) A statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained and closed out in accordance with the requirements of this section.~~~~
- ~~6) Water crossing standards.
  - ~~(a) All crossings of rivers require a bridge or culvert sized according to the requirements of Subsection F(7) below. Streams and tributary streams~~~~

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~~may be crossed using temporary structures that are not bridges or culverts, provided:~~

- ~~1. Concentrated water runoff does not enter the stream or tributary stream;~~
- ~~2. Sedimentation of surface waters is reasonably avoided;~~
- ~~3. There is no substantial disturbance of the bank, or stream or tributary stream channel;~~
- ~~4. Fish passage is not impeded; and~~
- ~~5. Water flow is not unreasonably impeded.~~

~~(b) Subject to Subsection F(6)(a)[1] through [5] above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.~~

~~7) Bridge and culvert sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:~~

- ~~(a) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate twenty-five-year frequency water flows or with a cross-sectional area at least equal to three times the cross-sectional area of the river, stream or tributary stream channel.~~
- ~~(b) Temporary bridge and culvert sizes may be smaller than provided in Subsection F(7)(a)[1] if techniques are effectively employed such that, in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high water line. Techniques may include, but are not limited to, the effective use of any, a combination of or all of~~

the following:

- ~~1. Use of temporary skidder bridges;~~
- ~~2. Removing culverts prior to the onset of frozen ground conditions;~~
- ~~3. Using water bars in conjunction with culverts;~~
- ~~4. Using road dips in conjunction with culverts.~~

~~(c) Culverts utilized in river, stream and tributary stream crossings must:~~

- ~~1. Be installed at or below river, stream or tributary stream bed elevation;~~
- ~~2. Be seated on firm ground;~~
- ~~3. Have soil compacted at least halfway up the side of the culvert;~~
- ~~4. Be covered by soil to a minimum depth of one foot or according to the culvert manufacturer's specifications, whichever is greater; and~~
- ~~5. Have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.~~

~~(d) River, stream and tributary stream crossings allowed under this § 350-6.17, but located in flood hazard areas (i.e., A zones) as identified on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.~~

~~(e) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections, provided persons conducting such activities take reasonable~~

~~measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water and the disturbance of stream banks, stream channels, shorelines and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water or the disturbance of stream banks, stream channels, shorelines and soil lying within ponds and wetlands occurs, such conditions must be corrected.~~

~~8) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a forest operations notification, whichever is earlier, the following requirements apply:~~

~~(a) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Subsection F(9) below.~~

~~(b) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.~~

~~(c) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snowcovered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~

~~9) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:~~

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

~~reenter the road surface.~~

- ~~(b) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.~~
- ~~(c) Discontinued roads:~~

- ~~1. Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:~~

- ~~a. It shall be designed to provide an opening sufficient in size and structure to accommodate twenty-five-year-frequency water flows;~~
- ~~b. It shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or~~
- ~~c. It shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.~~

- ~~2. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~

~~G. Slope table. Filter strips, skid trail setbacks and land management road setbacks must be maintained as specified in this § 350-6.17, but in no case shall be less than shown in the following table.~~

<del>Average Slope of Land Between Exposed Mineral soil and Shoreline</del>	<del>Width of Strip Between Exposed Mineral Soil and Shoreline (feet along surface of ground)</del>
<del>0</del>	<del>25</del>
<del>10%</del>	<del>45</del>
<del>20%</del>	<del>65</del>
<del>30%</del>	<del>85</del>
<del>40%</del>	<del>105</del>

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50%	125
60%	145
70%	165

H. ~~Definitions. Unless otherwise provided herein, this § 350-6.17 incorporates by reference the definitions contained in the Maine Forest Service Rules, Chapter 20, Forest Regeneration and Clearcutting Standards, and Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.~~

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### § 350-8.2. – Terms defined.

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

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

~~FOREST MANAGEMENT ACTIVITIES—Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.~~

~~FOREST STAND—A contiguous group of trees sufficiently uniform in age class distribution, composition and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.~~

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

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

~~LICENSED FORESTER~~—A forester licensed under 32 M.R.S.A. Chapter 76.

~~RESIDUAL BASAL AREA~~—The average of the basal area of trees remaining on a harvested site.

~~RESIDUAL STAND~~—A stand of trees remaining in the forest following timber harvesting and related activities.

~~SKID ROAD or SKID TRAIL~~—A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

~~SLASH~~—The residue, e.g., treetops and branches, left on the ground after a timber harvest.

~~TIMBER HARVESTING~~—The cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the Shoreland Zone when associated with any other land use activities. The cutting or removal of trees in the Shoreland Zone on a lot that has less than two acres within the Shoreland Zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to § 350-6.18, Clearing or removal of vegetation for activities other than timber harvesting.

~~TIMBER HARVESTING AND RELATED ACTIVITIES~~—Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

~~WINDFIRM~~—The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking and major breakage.