1. ACTIVITY-SPECIFIC STANDARDS

The documents referenced within this section may be obtained from the Commission’s office in Augusta, or any of its regional offices.

* 1. AGRICULTURAL ACTIVITIES

The standards of Section 10.27,A apply to agricultural activities. Agricultural activities not in conformance with the standards of Section 10.27,A may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,A, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

* + 1. **Agricultural Management Activities.**

The following requirements shall apply to agricultural management activities in all development and protection subdistricts:

* + - 1. All agricultural management practices shall be accomplished in accordance with best management practices, described in the publication, “Manual of Best Management Practices for Maine Agriculture”, Maine Department of Agriculture, Conservation and Forestry, Bureau of Agriculture, Food and Rural Resources. (January 2007).
			2. Exposed mineral soil created by tilling of soil shall occur no closer to the normal high water mark of any body of standing water, flowing water, or coastal wetland than is indicated by the following table, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 50 feet:

 **Average Slope of Land Width of Strip**

 **Between Exposed Mineral Soil and Between Exposed Mineral Soil and**

 **Normal High Water Mark Normal High Water Mark**

(Percent)(Feet along Surface of the Ground)

 0 50

 10 90

 20 130

 30 170

 40 210

 50 250

 60 290

 70 330

Table 10.27,A-1. Water body setback requirements for exposed mineral soil created by tilling of soil.

* + 1. **Small-scale Agritourism.**

The following standards apply to all small-scale agritourism in all subdistricts where such activities are allowed:

* + - 1. **Parking.** Adequate parking shall be provided for the vehicles of employees and visitors. On-street or off-street parking areas must be designed to ensure safe conditions and must be sized to accommodate the number of employees and visitors expected during peak times.
			2. **Lighting.** All exterior lighting fixtures must be full cut-off and designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent practicable. No activity shall produce a strong, dazzling light or reflection of that light beyond lot lines onto neighboring properties, or onto any roadway so as to impair the vision of the driver of any vehicles upon that roadway or to create nuisance conditions. Additionally, all non-essential lighting shall be turned off after business hours, leaving the minimum necessary for site security.
			3. **Noise.** Facilities must meet standards for noise included in Section 10.25,F,1.
			4. **Sanitation.** Adequate restroom and handwashing facilities, which may include temporary portable toilets, must be provided for employees and visitors.
		1. **Greenhouses.** Non-residential greenhouse lighting must be fully shielded between sunset and sunrise and must not illuminate exterior areas or otherwise make the greenhouse appear to glow.
	1. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of Section 10.27,B may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,B, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

* + 1. A vegetative buffer strip must be retained within:
			1. 50 feet of the right-of-way or similar boundary of any public roadway except as provided for in Section 10.27,B,1,b below,
			2. 30 feet of the right-of-way or similar boundary of any public roadway in D-RS and D-GN subdistricts;
			3. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size not including constructed ponds, or any coastal wetland or flowing water draining less than 50 square miles, and
			4. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
		2. Within this buffer strip, vegetation must be maintained as follows:
			1. There must be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
			2. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1,250 square feet) rectangular area as determined by the following rating system.

 **Diameter of Tree at 4-1/2 feet Above**

 **Ground Level** (inches) **Points**

 2.0 to < 4.0 1

 4.0 to < 8.0 2

 8.0 to < 12.0 4

 12.0 + 8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

* + - * 1. The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
				2. Each successive plot shall be adjacent to but not overlap a previous plot;
				3. Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
				4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
				5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, “other natural vegetation” is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

* + - 1. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any 10 year period.
			2. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
			3. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings must be established with native tree species.
		1. At distances greater than one hundred feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any 10 year period. In no instance may cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than 10 acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
		2. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.
		3. When revegetation is required: (i) in response to violations of the vegetation standards set forth in Section 10.27,B,1 through 4; (ii) to address the removal of non-native invasive species of vegetation; (iii) as a mechanism to allow for development by permit that exceeds the vegetation standards of Section 10.27,B or the cleared opening standards of Section 10.27,Q,1,Table A,(4), including removal of vegetation in conjunction with a shoreline stabilization project; or (iv) as part of a mitigation plan for clearing associated with a recreational lodging facility, 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 (examples include: arborist, forester, landscape architect, U.S.D.A. Natural Resources Conservation Service), 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. When part of a mitigation plan, revegetation must occur along the same segment of shoreline, road, or other resource affected by proposed uses or development, and at a density and configuration comparable to other naturally occurring forests on the site or in the vicinity.
			3. Revegetation activities must meet the following requirements for trees and saplings:
				1. All trees and saplings removed must be replaced with native noninvasive species;
				2. Replacement vegetation must at a minimum consist of saplings;
				3. If more than three trees or saplings are planted, then at least three different species shall be used;
				4. No one species shall make up 50% or more of the number of trees and saplings planted;
				5. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
				6. A survival rate of at least 80% of planted trees or saplings is required for a minimum five years period from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.
			4. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:
				1. All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height as applicable;
				2. Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
				3. If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
				4. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
				5. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.
			5. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
				1. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
				2. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
				3. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within Section 10.27,B for a minimum of five years from the time of planting.
			6. The applicant may propose, and the Commission may approve or require, variations from the standards in Section 10.27,B,5,c through e if necessary to achieve effective buffering. The Commission may exempt an individual, whether an applicant or violator, from the requirement that the revegetation plan be prepared by a qualified professional in accordance with Section 10.27,B,5,a, when the proposed revegetation is routine and would not affect a particularly sensitive resource.

* 1. MINERAL EXPLORATION AND EXTRACTION

Mineral exploration and extraction activities for non-metallic minerals that are not in conformance with the standards of Section 10.27,C may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,C, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

Mineral exploration and extraction activities for metallic minerals are not subject to the following subsections. Metallic mineral exploration and extraction are subject to Chapter 13, Metallic Mineral Exploration and Mining Certifications, including but not limited to the standards for metallic mineral exploration in that chapter.

The following standards for mineral exploration and extraction activities for non-metallic minerals shall apply in all subdistricts except as otherwise hereinafter provided:

* + 1. **Mineral Exploration.** The following standards shall apply to mineral exploration activities for non-metallic minerals:
			1. All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
			2. Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of a flowing water, body of standing water, coastal wetland, or wetland identified as a P-WL1 subdistrict:

 **Average Slope of Land Width of Strip**

 **Between Exposed Mineral Soil and Between Exposed Mineral Soil and**

 **Normal High Water Mark Normal High Water Mark**

 (Percent) (Feet Along Surface of the Ground)

 0-29 75

 30-39 85

 40-49 105

 50-59 125

 60-69 145

 70 or more 165

Table 10.27,C-1. Unscarified filter strip width requirements for exposed mineral soil created by mineral exploration activities or associated access ways.

The provisions of Section 10.27,C,1,b apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 75 feet; the provisions of Section 10.27,C,1,b do not apply where access ways cross such waters.

* + - 1. Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize flowing waters bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
			2. Access way approaches to flowing waters shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream.
			3. In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.
		1. **Mineral Extraction.** The following standards apply to mineral extraction activities for non-metallic minerals in all subdistricts:
			1. A vegetative buffer strip must be retained between the ground area disturbed by the extraction activity and:
				1. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size not including constructed ponds, any flowing water draining less than 50 square miles, coastal wetland, or wetland identified as a P-WL1 subdistrict; and
				2. 100 feet of the normal high water mark of any body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
			2. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property.
			3. Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

Any such control device shall be deemed part of the extraction area for the purposes of Section 10.27,C,2,a, above;

* + - 1. A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
			2. If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

* 1. ROADS AND WATER CROSSINGS

Roads and water crossings not in conformance with the standards of Section 10.27,D may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such a permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,D, will be conducted in a manner that produces no undue adverse impact upon the resources and uses in the area.

The following standards apply to roads and water crossings for any purpose other than land management roads and water crossings on/for land management roads where those uses are regulated by the Maine Forest Service; repair and maintenance of legally existing road culverts or replacement of legally existing road culverts in accordance with 12 M.R.S. §685-B(1-A)(A); and driveways associated with residential structures and uses, except as provided in Section 10.27,H.The following requirements shall apply to construction and maintenance of roads:

* + 1. **Roads, Drainage Ditches, and Turnouts.** The following standards apply to construction and maintenance of roads, including the creation of drainage ditches and turnouts:
			1. Sediment barriers, such as silt fences or erosion control mix berms, must be properly installed between areas of soil disturbance and downgradient non-tidal waterbodies and wetlands prior to construction. Sediment barriers must be maintained until the disturbed area is permanently stabilized, and removed within 30 days, or as soon as practicable, following final stabilization of the site;
			2. Prior to any forecasted storm event and within 7 days following the completion of construction, all cut or fill slopes and areas of exposed mineral soil outside the road surface must be seeded and mulched, or otherwise stabilized to prevent unreasonable soil erosion and sedimentation of non-tidal water bodies or wetlands;
			3. Road side slopes must have a slope no steeper than 2 horizontal to 1 vertical;
			4. All drainage ditches created as part of the project must be properly stabilized upon completion to prevent unreasonable soil erosion;
			5. Roads, drainage ditches, and turnouts must be located, constructed, and maintained to provide an undisturbed filter strip, of at least the width indicated below, between any exposed mineral soil and the normal high water mark of a non-tidal water body or upland edge of a wetland located in a P-WL1 subdistrict:

 **Average Slope of Land Width of Filter Strip**

 **Between Exposed Mineral Soil Between Exposed Mineral Soil**

 **and Normal High Water Mark and Normal High Water Mark**

 (Percent) (Feet Along Surface of the Ground)

 0-10 25

 11-20 45

 21-30 65

 31-40 85

 41-50 105

 51-60 125

 61-70 145

 71-100 165

Table 10.27,D-1. Filter strip width requirements for roads, drainage ditches, and turnouts.

These filter strip requirements do not apply to road surfaces for approaches to water crossings or wetlands.

* + - 1. **Drainage ditches may not extend to the resource being crossed.** Drainage ditches for roads approaching a water crossing or wetland must be designed, constructed, and maintained to empty into an undisturbed filter strip, of at least the width indicated in the table set forth in Section 10.27,D,1,e above. Where such filter strip is impracticable, appropriate techniques must be used to avoid unreasonable sedimentation of non-tidal water bodies and wetlands. Such techniques may include the installation of plunge pools or settling basins, or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;
			2. Ditch relief (cross drainage) culverts, stone-lined drainage dips, water turnouts, and other best management practices must be installed, where necessary, to disperse the volume or velocity of water in drainage ditches into undisturbed filter strips to prevent ditch erosion.
				1. Stone-lined drainage dips may be used in place of ditch relief culverts only where the road grade has a sustained slope of 10% or less;
				2. On roads having sustained slopes greater than 10%, ditch relief culverts must be placed across the road at an angle of approximately thirty-degrees downslope from a line perpendicular to the center line of the road;
				3. Ditch relief culverts, stone-lined drainage dips, and water turnouts must direct drainage into undisturbed filter strips as required in Sections 10.27,D,1,e and f above;
				4. Ditch relief culverts must be sufficiently sized and properly installed to allow for effective functioning, and their inlet and outlet ends must be stabilized with appropriate materials; and
				5. Ditch relief culverts, stone-lined drainage dips, and water turnouts must be spaced along the road at intervals no greater than indicated in the following table:

 **Road Grade Spacing**

 (Percent) (Feet)

 0-2 500-300

 3-5 250-180

 6-10 167-140

 11-15 136-127

 16-20 125-120

 21+ 100

Table 10.27,D-2. Spacing requirements for ditch relief culverts, drainage dips, and water turnouts.

* + - 1. 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.
			2. Maintenance of the above required water control installations must continue until the road is discontinued and put to bed by taking the following actions:
				1. All culverts, open-bottom arches, and bridges must be dismantled and removed in a fashion to reasonably avoid sedimentation of non-tidal water bodies and wetlands. Stream banks must be restored to original conditions to the fullest extent practicable, and disturbed soils must be stabilized to prevent soil erosion.
				2. Water bars must:

Be constructed across the road at intervals established below:

 **Road Grade Distance Between Water Bars**

 (Percent) (Feet)

 0-2 250

 3-5 200-135

 6-10 100-80

 11-15 80-60

 16-20 60-45

 21+ 40

Table 10.27,D-3. Spacing requirements for water bars.

Be constructed at an angle of approximately thirty-degrees downslope from the line perpendicular to the center line of the road;

Be constructed so as to reasonably avoid surface water flowing over or under the water bar; and

Extend sufficient distance beyond the traveled way so that water does not reenter the road surface.

* + - 1. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of Section 10.27,D, are subject to the provisions of Section 10.11.
		1. **Water Crossings of Flowing Waters.** Except as provided in Section 10.27,D,2,d,(17) for trail crossings, the following standards apply to crossings of flowing waters:
			1. **All Crossings.** All crossings must be installed, and, in the case of temporary crossings, removed during low-flow conditions between July 15 and September 30 in any calendar year, unless the notice submitted pursuant to Section 10.27,D,5 includes written approval from the Maine Department of Inland Fisheries and Wildlife for an alternative time period.
			2. **Temporary Crossings.** Temporary crossings may be used for access across flowing waters. Temporary crossings must:
				1. Be removed within 180 days;
				2. Not use soil materials for construction or stabilization;
				3. Unless constructed in a way that spans the stream channel, with no disturbance to the streambed or banks, involve a culvert installation that meets all the following standards:

Placed on geotextile fabric or other equally effective material where practicable to ensure restoration to the original grade,

Covered with rock large enough in size to allow for easy removal without disturbing the streambed,

Designed and maintained to withstand and pass high flows, such that water height is no higher than the top of the culvert’s inlet, a minimum culvert diameter of 24 inches is required to pass debris, and

Aligned to prevent bank erosion or streambed scour; and

* + - * 1. Removed upon completion of the work. Impacts to the streambed or bank must be restored to original condition to the fullest extent practicable.
			1. **Permanent Crossings.**
				1. To the greatest extent practicable, work in the stream must be minimized, and design and construction must allow the stream’s natural structure and integrity to remain intact.
				2. If a stream to be crossed is a perennial watercourse and has a sustained slope of more than 2%, a bridge or open-bottom arch must be used to maintain the natural streambed.
				3. If a perennial stream to be crossed is used for navigation, the crossing must consist of a bridge span or open-bottom arch with at least 4 feet of clearance during normal high water for boat passage.
				4. Except as provided in Section 10.27,D,2,d,(5) and Section 10.27,D,2,d,(8),(c), bridges, open-bottom arches, and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate flow from a 25-year frequency storm event, or with a cross-sectional area at least equal to 3 times the cross-sectional area of the flowing water.
				5. Bridges, open-bottom arches, and culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event.
				6. Footings and abutments for bridges and open-bottom arches must be landward of 1.2 times the width of the channel at normal high water.
				7. Culverts utilized in permanent crossings must:

Not exceed 75 feet in length;

Follow the alignment and grade of the existing stream channel where possible. On perennial streams, the culvert’s gradient may not exceed 2%;

Have the bottom of the entire culvert installed below the streambed elevation, as follows:

>2 feet for box culverts and other culverts with smooth internal walls,

>1 foot for corrugated pipe arches, and

>1 foot and at least 25% of the culvert diameter for corrugated round pipe culverts;

Have diameters that exceed 1.2 times the width of the channel at normal high water;

Be seated on firm ground, or on geotextiles used to stabilize the ground;

Have soil compacted up the side of the culvert;

Be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications; and

Have the inlet and outlet ends stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.

* + - * 1. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating 25-year and 100-year frequency storm events and thereby determining crossing sizes as required in Section 10.27,D,2:

The USDA Natural Resources Conservation Service (NRCS) Method: “Urban Hydrology for Small Watersheds.” (Technical Release #55). USDA Soil Conservation Service (June 1986).

The USDA NRCS Method: “TR-20 – Computer Program for Project Formulation – Hydrology,” Second Edition, U.S. Department of Agriculture, Soil Conservation Service (March 1986).

Provided that the only design storm used for sizing the crossing is a 100-year frequency storm event, the Commission may also allow use of the United States Geological Survey (USGS) method: StreamStats, a Web-based Geographic Information Systems application (Geological Survey, U. S. (2019, April 19). USGS. Retrieved from StreamStats: https://streamstats.usgs.gov/ss/).

* + - * 1. Except as provided in Section 10.27,D,2,d,(10), water crossings must have natural bottom substrate placed within the structure matching the characteristics of the substrate in the natural channel at the time of construction and over time as the structure has had the opportunity to pass significant flood events. To allow terrestrial passage for wildlife and prevent undermining of footings, crossings must have a bank on both sides of the stream matching the horizontal profile of the natural stream banks.
				2. Installation of substrate material in culverts with diameters (round pipes) or rises (pipe arches or box culverts) of less than 60 inches may not be safe or practicable. In those cases, natural deposition and bed development is allowed.
				3. Wheeled or tracked equipment may not operate in the water. Equipment operating on shore may, where necessary, reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.
				4. If work is performed in a flowing water that is less than 3 feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

Diversion may be accomplished by placing sandbags, timbers, sheet steel, concrete blocks, at least 6 mil polyethylene, or geotextiles from the bank to midstream on the upstream side of the activity. No more than two-thirds or 25 feet of stream width, whichever is less, may be diverted at one time.

Any material used to divert water flow must be completely removed upon completion of the activity, and the stream substrate must be restored to its original condition.

A pump may be operated where necessary, for a temporary diversion. The pump outlet must be located and operated such that erosion or the discharge of sediment to non-tidal waterbodies or wetlands is prevented.

* + - * 1. All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms in order to protect wetland vegetation.
				2. All excavated material must be stockpiled either outside the wetland or on mats or platforms. Sediment control barriers must be used, where necessary, to prevent sedimentation.
				3. The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used only if necessary, only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.§1682, and provided it is cured on dry land in a way that exposes all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where it will contact water.
				4. Water crossings must be maintained to facilitate passage of aquatic life. Culverts that develop “hanging” inlets or outlets, bed washout, or a stream channel that does not match the characteristics of the natural stream channel, such as substrate mobility and type, and channel slope, stability, and confinement must be repaired as necessary to provide for natural channel characteristics and ensure adequate passage of aquatic life.
				5. Except that Section 10.27,D,4 below always applies, trail crossings of minor flowing waters are exempt from the standards of Section 10.27,D, provided such crossings are constructed in a manner that causes no disturbance to the streambed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include, but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption does not extend to the construction of abutments or piers.

				Trail crossings not so exempted are subject to the water crossing standards of Section 10.27,D.
		1. **Wetland Crossings.** The design and construction of roads, other than those located in areas below the normal high-water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

		To maintain the existing hydrology of wetlands, road drainage designs must provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This must be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills must consist of free draining granular material.

		To accomplish the above, the following requirements apply:
			1. **Wetland crossings on mineral soils or those with surface organic layers up to 4 feet in thickness.**
				1. Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.

For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures must be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures must be placed at maximum intervals of 100 feet.

For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures must be placed at maximum intervals of 100 feet. Culverts must be a minimum of 18 inches in diameter, or the functional equivalent, and have the bottom embedded at least 6 inches below the soil surface of the wetland.

Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline must be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks must be left midway between culverts to prevent channelization.

* + - * 1. Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
			1. **Wetland crossings on soils with organic layers in excess of 4 feet in thickness.**
				1. Such construction must only take place under frozen ground conditions.
				2. Geotextile fabric must be placed directly on the soil surface. Road fill or log corduroy must then be placed on the geotextile fabric.
				3. Cross drainage must be provided by either a continuous porous layer, or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:

A continuous porous layer or layers must be constructed by placement of one or more layers of wood corduroy, large stone, or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or

Cross drainage culverts or other cross-drainage structures must be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures must be a minimum of 18 inches in diameter, or the functional equivalent, and have the bottom embedded at least 6 inches below the soil surface of the wetland. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides must be used to collect surface and subsurface water, carry it through the culvert(s), and redistribute it on the other side. Such ditches must be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks must be left midway between culverts to prevent channelization.

* + 1. **Erosion and Sedimentation Control.** In addition to the foregoing minimum requirements, provision must otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of non-tidal water bodies and wetlands.
		2. **Written Notice Required.** Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in Section 10.27,D,2,d,(17) above, must be given to the Commission prior to the commencement of such activities. Such notice must conform to the requirements of Chapter 4, Section 4.05(C) and must state the manner in which the water crossing size requirements of Section 10.27,D will be satisfied.
	1. TIMBER HARVESTING

Timber harvesting activities not in conformance with the standards of Section 10.27,E may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,E, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements apply to timber harvesting within all development subdistricts and, in the case of P-RP subdistricts, any protection subdistricts contained within a development area, except as otherwise hereinafter provided:

* + 1. Except when surface waters are frozen, skid trails and skid roads shall not utilize flowing waters bordered by a P-SL1 subdistrict except to cross such channels with a culvert or bridge according to the water crossing requirements of Section 10.27,D,2 and 5;
		2. Timber harvesting operations in P-SL1 and P-GP subdistricts shall be conducted in the following manner:
			1. Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.
			2. At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.
			3. Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4½ feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
			4. No accumulation of slash shall be left within 50 feet of the normal high water mark of surface water protected by the P-SL1 and P-GP subdistricts. In such subdistricts, at distances greater than 50 feet from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
		3. Except as provided in Section 10.27,E,7, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

 **Average Slope of Land Width of Strip**

 **Between Exposed Mineral Soil Between Exposed Mineral Soil**

 **and Normal High Water Mark and Normal High Water Mark**

 (Percent) (Feet Along Surface of the Ground)

 0 25

 10 45

 20 65

 30 85

 40 105

 50 125

 60 145

 70 165

Table 10.27,E-1. Unscarified filter strip width requirements for exposed mineral soil created by the operation of machinery used in timber harvesting.

The provisions of Section 10.27,E,3 apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Section 10.27,E,3 do not apply where skid roads cross such waters;

* + 1. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of a body of standing water or coastal wetlands, or below the normal high water mark of flowing waters downstream from the point where such channels drain 300 acres or more;
		2. Except when surface waters are frozen, skid trails and skid roads shall not utilize flowing waters bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of Section 10.27,E,5 may be modified according to the provisions of Section 10.27,E,7;
		3. Except as provided in Section 10.27,E,7, skid trail and skid road approaches to flowing waters shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;
		4. Timber harvesting operations in P-SL2 subdistricts along flowing waters upstream from the point where they drain 300 acres or less, and in P-WL subdistricts adjacent to such P-SL2 subdistricts, may be conducted in a manner not in conformity with the requirements of the foregoing Sections 10.27,E,3, 5, and 6 provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such flowing water drains 1 square mile or more. Jackson Turbidity Units are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;
		5. Harvesting operations in P-SL2 subdistricts along flowing waters downstream from the point where they drain 300 acres or more and along bodies of standing water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;
		6. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of Chapter 4, Section 4.05(C) and shall state whether or not such operations will be conducted according to the provisions of Section 10.27,E,7; and
		7. In addition to the foregoing minimum requirements, except as provided for in Section 10.27,E,7, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.
	1. FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein.

Filling and grading activities not in conformance with the standards of Section 10.27,F may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,F, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

* + 1. Within 250 feet of P-WL1 subdistricts, the maximum size of a filled or graded area, on any single lot or parcel, shall be 4,300 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity;
		2. Beyond 250 feet from P-WL1 subdistricts, the maximum size of filled or graded areas shall be 15,000 square feet, except that in M-GN subdistricts which are greater than 250 feet from P-WL1 subdistricts, the maximum size of the filled or graded areas shall be less than 1 acre;
		3. Clearing of areas to be filled or graded is subject to the clearing standards of Section 10.27,B;
		4. Imported fill material to be placed within 250 feet of P-WL1 subdistricts shall not contain debris, trash, or rubbish. All fill, regardless of where placed, shall be free of hazardous or toxic materials;
		5. Within 250 feet of P-WL1 subdistricts, the sustained slope between the normal high water mark or the upland edge of the resource and the soil disturbance must be no greater than 20%. The provisions of this paragraph apply only to a face sloping toward the water body or wetland;
		6. Where filled or graded areas are in the vicinity of water bodies or wetlands, such filled or graded areas must not extend closer to the normal high water mark of a non-tidal water body or coastal wetland, or the upland edge of a freshwater wetland located in a P-WL1 subdistrict than the following:
			1. For a minor flowing water, body of standing water less than 10 acres in size not including constructed ponds, coastal wetland, or freshwater wetland located in a P-WL1 subdistrict: 75 feet; and
			2. For a major flowing water and body of standing water 10 acres or greater in size: 100 feet; and
		7. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of P-WL1 subdistricts, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.

* 1. Motorized Recreational Gold Prospecting

The following motorized recreational gold prospecting requirements apply below the normal high water mark of flowing waters, except as otherwise provided herein.

Motorized recreational gold prospecting activities not in conformance with the standards of Section 10.27,G,1 through 5 below may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved, except that such activities are prohibited on the river and stream segments listed in Section 10.27,G,6, except as provided in Section 10.27,G,6,b. An applicant for such permit must show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,G, must be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

* + 1. Motorized recreational gold prospecting may only be performed from June 15 to September 15, and only with written permission of the landowner(s).
		2. The activity must not cause an undue adverse effect on natural resources. The area must be kept free of litter, trash, and any other materials that may constitute a hazardous or nuisance condition.
		3. **Limitations on Equipment.**
			1. Equipment must not have any fuel, oil, or hydraulic leaks, nor cause any other unlicensed discharge.
			2. **Power Limit.** Motorized equipment must not exceed seven horsepower.
			3. **Nozzle Diameter.** The inside diameter of a suction dredge intake nozzle and hose must not exceed four inches.
			4. **Sluice Size.** The area of a sluice must not exceed 10 square feet.
			5. Use of a flume to transport water outside of a flowing water is prohibited.
		4. **Prohibition of Chemicals.**  Use of mercury, nitric acid or other chemicals for extraction is prohibited.
		5. **Specific Restrictions on Methods of** **Operation.**
			1. No motorized recreational gold prospecting may occur in a manner that:
				1. Disturbs the bank of a flowing water, including but not limited to digging into the bank, or dredging or altering water flow within a flowing water in a manner that causes the bank to erode or collapse.
				2. Removes or damages vegetation, or woody debris such as root wads, stumps or logs within a flowing water, on the bank, or on nearby upland, including cutting or abrasion of trees.
				3. Diverts, dams, or otherwise obstructs a flowing water.
				4. Deposits soil, rocks, or any other foreign material from outside of the channel into a flowing water.
				5. Deposits channel bottom sediments or rocks onto the bank or upland.
			2. Upon completion of one or more consecutive days of prospecting, dredge spoils must be smoothed out and dredge holes refilled below the normal high water mark of the flowing water in order to restore the approximate original contours of the channel bottom and must not deflect the current.
		6. **Closed Areas.** Motorized recreational gold prospecting is prohibited within the following areas.
			1. Channels narrower than four feet wide.
			2. Any area designated as Essential Wildlife Habitat by the Maine Department of Inland Fisheries and Wildlife (MDIFW) unless it is determined by MDIFW that:
				1. There will be no significant harm to the Essential Wildlife Habitat, and
				2. The activity will not violate protection guidelines adopted pursuant to the Maine Endangered Species Act.
			3. Waters defined as Class AA waters pursuant to 38 M.R.S.§465. Class AA waters as of the effective date of this rule are included in the areas listed below.
			4. The Allagash Wilderness Waterway and all water bodies within 800 feet of normal high water mark of the watercourse.
			5. **Aroostook County.**
				1. Allagash River and all water bodies within 800 feet of normal high water mark of the watercourse: T10 R12 WELS, T10 R13 WELS, T11 R13 WELS, T12 R13 WELS, T13 R12 WELS, T13 R13 WELS, T14 R11 WELS, T14 R12 WELS, T15 R10 WELS, T15 R11 WELS
				2. Aroostook River: T9 R5 WELS, T9 R7 WELS, T9 R8 WELS, Oxbow North Twp. T10 R6 WELS
				3. Big Black River: T14 R14 WELS, T14 R15 WELS, T14 R16 WELS, T15 R13 WELS, T15 R14 WELS
				4. Chemquasabamticook Stream: T11 R13 WELS, Clayton Lake Twp, T11 R15 WELS, T12 R13 WELS
				5. Fish River from Mud Pond to St. Froid Lake: T13 R8 WELS, T14 R8 WELS, T14 R7 WELS, T13 R7 WELS, T14 R6 WELS
				6. Goddard Brook: T15 R5 WELS
				7. Machias River, Big: T12 R8 WELS, T11 R8 WELS, T11 R7 WELS, T10 R7 WELS, Garfield Plt
				8. Macwahoc Stream: Macwahoc Plt, North Yarmouth Academy Grant, Upper Molunkus Twp
				9. Mattawamkeag River: Reed Plt
				10. Mattawamkeag River, East Branch: Forkstown Twp, T3 R3 WELS, T4 R3 WELS
				11. Mattawamkeag River, West Branch: T3 R3 WELS, T4 R3 WELS
				12. McLean Brook: Sinclair Twp.
				13. Molunkus Stream: Macwahoc Plt, North Yarmouth Academy Grant, T1 R5 WELS, Benedicta Twp, Silver Ridge Twp
				14. Musquacook Stream: T11 R11 WELS, T12 R11 WELS, T13 R11 WELS, T13 R12 WELS
				15. Red River: T14 R8 WELS
				16. Smith Brook: T13 R8 WELS, T14 R8 WELS
				17. St. Croix Stream: St. Croix Twp, T9 R5 WELS
				18. St. John River: T11 R16 WELS, T11 R17 WELS, T12 R15 WELS, T12 R16 WELS, T13 R14 WELS, T13 R15 WELS, T14 R13 WELS, T14 R14 WELS, T15 R13 WELS, T16 R12 WELS, T16 R13 WELS, surrounding Hunnewell Island in St. John Plt, Hamlin
				19. St. John River, Northwest Branch downstream from outlet of Beaver Pond: T11 R17 WELS, T12 R17 WELS
				20. Unnamed stream connecting Cross Lake and Square Lake: Square Lake Twp
				21. Unnamed stream flowing east into Square Lake at Goddard Cove: Square Lake Twp
				22. Unnamed stream flowing northeast into Square Lake one mile northwest of Limestone Pt.: Square Lake Twp
				23. Wytopitlock Stream: Reed Plt, Upper Molunkus Twp, T2 R4 WELS, Glenwood Plt, T3 R4 WELS
			6. **Franklin County.**
				1. Bemis Stream and tributaries: Township D, Rangeley Plt
				2. Carrabassett River and tributaries: Freeman Twp, Mount Abram Twp, Salem Twp
				3. Carrabassett River, West Branch: Freeman Twp, Salem Twp
				4. Cupsuptic River tributaries: Seven Ponds Twp
				5. Horseshoe Stream: Chain of Ponds Twp
				6. Kennebago River and its tributaries: Davis Twp, Stetsontown Twp, Seven Ponds Twp, Chain of Ponds Twp, Massachusetts Gore, Tim Pond Twp, Lang Twp
				7. Moose River downstream from Number One Brook: Beattie Twp, Lowelltown Twp
				8. North Branch Dead River: Jim Pond Twp
				9. Sandy River: Madrid Twp, Sandy River Plt, Township E
				10. South Bog Stream: Rangeley Plt
				11. Spencer Stream and Little Spencer Stream tributaries, including Kibby Stream: Kibby Twp, Skinner Twp
			7. **Hancock County.**
				1. The following townships in their entirety: T9 SD, T10 SD, T16 MD, T22 MD, T28 MD, T34 MD, T35 MD, T41 MD, T4 ND
				2. Passadumkeag River: T3 ND
				3. Sunkhaze Stream and its tributaries: T32 MD BPP
			8. **Kennebec County.**
				1. Sebasticook River: Unity Twp
			9. **Oxford County.**
				1. Abbott Brook and its tributaries: Lincoln Plt
				2. Bear River: Grafton Twp
				3. Bull Branch of Sunday River and tributaries: Grafton Twp, Riley Twp
				4. Crooked River and its tributaries: Albany Twp
				5. Cupsuptic River and its tributaries: Lower Cupsuptic Twp, Upper Cupsuptic Twp, Oxbow Twp, Parkertown Twp, Lynchtown Twp, Seven Ponds Twp
				6. Kennebago River and its tributaries: Lower Cupsuptic Twp, Upper Cupsuptic Twp, Oxbow Twp
				7. Magalloway River and tributaries, including Little Magalloway River: Bowmantown Twp, Lincoln Plt, Lynchtown Twp, Magalloway Twp, Oxbow Twp, Parkertown Twp, Parmachenee Twp
				8. Rapid River: Magalloway Twp, Township C
				9. Wild River: Batchelders Grant
			10. **Penobscot County.**
				1. Aroostook River: T8 R8 WELS
				2. Ayers Brook: Summit Twp
				3. Madagascal Stream: Grand Falls Twp
				4. Mattagodus Stream: Kingman Twp, Webster Plt, Prentiss Twp, Carroll Plt
				5. Mattawamkeag River: Kingman Twp, Drew Plt
				6. Millinocket Stream: T3 Indian Purchase, T1 R8 WELS
				7. Millinocket Stream: T8 R8 WELS
				8. Molunkus Stream: Kingman Twp
				9. Munsungan Stream: T8 R8 WELS
				10. Passadumkeag River: Summit Twp, Grand Falls Twp, T3 R1 NBPP, Lakeville
				11. Penobscot River: Argyle Twp, Mattamiscontis Twp, T2 R8 NWP
				12. Penobscot River, East Branch: Grindstone Twp, Soldiertown Twp, T3 R7 WELS, T4 R7 WELS, T4 R8 WELS, T5 R8 WELS, T6 R8 WELS
				13. Penobscot River, East Branch, all tributaries, the portions of which that are located in T3 R8 WELS and within the boundaries of Baxter State Park
				14. Sawtelle Brook: T6 R7 WELS
				15. Seboeis River: T3 R7 WELS, T4 R7 WELS, T5 R7 WELS, T6 R7 WELS, T7 R7 WELS
				16. Sunkhaze Stream and its tributaries: Greenfield Twp
				17. Wassataquoik Stream: T4 R8 WELS, T3 R7 WELS, T3 R8 WELS
				18. West Branch Penobscot River: TA R7 WELS, T3 Indian Purchase, T4 Indian Purchase
				19. Wytopitlock Stream: Drew Plt
			11. **Piscataquis County.**
				1. Allagash River and all water bodies within 800 feet of normal high water mark of the watercourse: T10 R12 WELS, T10 R13 WELS
				2. Allagash Stream and all water bodies within 800 feet of normal high water mark of the watercourse: Eagle Lake Twp, T8 R14 WELS
				3. Chemquasabamticook Stream: T10 R15 WELS
				4. East Branch Pleasant River: Ebeemee Twp
				5. Kennebec River: Big Moose Twp
				6. Millinocket Stream: T7 R9 WELS
				7. Munsungan Stream: T8 R9 WELS
				8. Penobscot River, West Branch: T1 R9 WELS, T2 R9 WELS, T2 R10 WELS, T3 R11 WELS
				9. Penobscot River, West Branch, those segments of any tributary that are in T2 R9 WELS and are also within the portion of Baxter State Park served by the Land Use Planning Commission
				10. Piscataquis River, East Branch: Blanchard Twp
				11. Piscataquis River, West Branch: Blanchard Twp
				12. Pleasant River, West Branch: Shawtown Twp, Beaver Cove, Bowdoin College Grant East, Katahdin Iron Works Twp, Williamsburg Twp
				13. Stream between Lower Portage Pond and Spider Lake: T9 R11 WELS
				14. Stream between Webster Lake and Telos Pond and all water bodies within 800 feet of normal high water mark of the watercourse: T6 R11 WELS
				15. Stream in wetland on south end of Churchill Lake: T9 R12 WELS
				16. Webster Brook: T6 R11 WELS
			12. **Somerset County.**
				1. Cold Stream and Cold Stream tributaries, including Tomhegan Stream: Chase Stream Twp, West Forks Plt, Johnson Mountain Twp
				2. Dead River: Pierce Pond Twp, T3 R4 BKP WKR, Bowtown Twp, West Forks Plt, T3 R5 BKP WKR, Lower Enchanted Twp
				3. Doucie Brook: T9 R17 WELS
				4. Enchanted Stream: Upper Enchanted Twp, Lower Enchanted Twp
				5. Gulliver Brook: Plymouth Twp
				6. Kennebec River above junction with Dead River: West Forks Plt, Moxie Gore, Chase Stream Twp, Indian Stream Twp, Sapling Twp, Taunton & Raynham Academy Grant Twp, Misery Gore, The Forks Plt
				7. Moose River: Holeb Twp, Attean Twp, T5 R7 BKP WKR, Bradstreet Twp
				8. Moxie Stream: Moxie Gore
				9. Parlin Stream: Parlin Pond Twp
				10. Spencer Stream, Little Spencer Stream, and Little Spencer Stream tributaries, including Kibby Stream: T3 R4 BKP WKR, T3 R5 BKP WKR, King and Bartlett Twp, Haynestown Twp
				11. St. John River: Big Ten Twp, T10 R16 WELS
				12. St. John River, Baker Branch: T5 R17 WELS, T6 R17 WELS, St John Twp, T7 R 16 WELS, T9 R17 WELS, T8 R17 WELS, T7 R17 WELS
				13. St. John River, Northwest Branch: Big Ten Twp
				14. St. John River, Southwest Branch: T9 R17 WELS, T9 R18 WELS, Big Ten Twp
			13. **Washington County.**
				1. The following townships and town in their entirety: T18 MD BPP, T19 MD BPP, T24 MD BPP, T25 MD BPP, T30 MD BPP, Day Block Twp, T36 MD BPP, T37 MD BPP, T42 MD BPP, T43 MD BPP, Sakom Twp, Cathance Twp, Big Lake Twp, Berry Twp, T19 ED BPP, T26 ED BPP, Greenlaw Chopping Twp, Devereaux Twp, Marion Twp, Edmunds Twp, Baring
				2. Baskahegan Stream: Brookton Twp
				3. Cathance Stream: Edmunds Twp
				4. Clifford Brook: Marion Twp
				5. Creamer Brook: T19 ED BPP
				6. Dennys River: Cathance Twp, Edmunds Twp
				7. Hobart Stream: Edmunds Twp
				8. Machias River: Centerville Twp
				9. Machias River, East: Big Lake Twp, Berry Twp, T19 ED BPP
				10. Northern Stream: T19 ED BPP
				11. St. Croix River: Fowler Twp, Dyer Twp, Lambert Lake Twp
				12. Tomah Stream: Forest Twp, Codyville Plt, Lambert Lake Twp
				13. Venture Brook: Edmunds Twp
	1. Driveways Associated with Residential Structures and Uses

Driveways not in conformance with the standards of Section 10.27,H may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,H, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

* + 1. **Applicability.**

The following requirements apply to the construction of driveways for single-family and two-family dwelling units in all subdistricts where driveways associated with residential uses are allowed without a permit. These standards, along with the standards of Section 10.25,D,2, may be used as guidance in processing an application for driveways to be located in those subdistricts where driveways require a permit from the Commission.

* + - 1. **Other Permits.** If a permit has been issued for the development of the lot to be served by the driveway or if the lot is part of a subdivision for which a permit has been issued, conditions of the building permit or subdivision permit regarding construction of driveways supersede provisions of this subsection.
			2. **Length.** If the length of a proposed driveway is greater than 1,000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.
		1. **Water Body and Wetland Setback Requirements.**
			1. **Minimum Water Body and Wetland Setback.** The minimum water body and wetland setback for a driveway which accesses an undeveloped lot or a lot having residential structures is:
				1. 100 feet from the nearest shoreline of a flowing water draining 50 square miles, and a body of standing water greater than 10 acres in size;
				2. 75 feet from the nearest shoreline of a coastal wetland; and
				3. 50 feet from the upland edge of minor flowing waters and mapped P-WL1 wetlands.
			2. **Exceptions to Water Body and Wetland Setback Requirements.**
				1. The water body and wetland setback requirements do not apply to approaches to water body or wetland crossings.
				2. A lesser setback may be allowed with a permit in the following instances provided no other reasonable alternative exists and appropriate techniques are used as needed to prevent sedimentation of the water body or wetland.

In the case of legally existing nonconforming structures located in the shoreland area, the driveway may extend to the portion of the principal structure farthest from the normal high water mark of the water body, but in no case closer than 50 feet from the normal high water mark of the water body; or

To allow access to permitted facilities located nearer to the shoreline due to an operational necessity as described in Section 10.26,G,5.

* + 1. **Property Line Setback.**
			1. **Minimum Setback.** The minimum property line setback for a driveway is 15 feet.
			2. **Exceptions to Property Line Setback.**
				1. A shared driveway need not meet the minimum setback.
				2. The minimum setback standard does not apply to authorized approaches to and crossings of property lines or to crossings along easements or rights of way established in deed or lease.
				3. A lesser setback may be allowed with a permit upon written permission of the abutting landowner.
		2. **Road Frontage.** The lot to be served by the driveway must have a minimum of 100 feet of road frontage.
		3. **Entry onto Roadways, including State Highways.** The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. The driveway must be designed such that vehicles may exit the premises without backing onto the roadway or shoulder. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation.
		4. **Crossings of Flowing Waters.** If a driveway will cross a flowing water, the crossing must be accomplished in accordance with the standards for installation of water crossings set forth in Section 10.27,D,2.
		5. **Wetlands Alteration.** The driveway must not alter any portion of a mapped P-WL1 subdistrict or more than 4,300 square feet of a mapped P-WL2 or P-WL3 subdistrict without a permit.
		6. **Maximum Slope.** The driveway must not have a sustained slope of more than 8%.
		7. **Erosion and Sedimentation Control.**
			1. The driveway must be located, designed and constructed so that:
				1. It will not erode or create any undue restriction or disruption of existing surface water drainage ways;
				2. It will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway.
			2. Except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.
		8. **Fill Material.** Fill material used in the construction of a driveway must not contain demolition debris, trash, rubbish, or hazardous or toxic materials.
		9.
	1. PESTICIDE APPLICATION

Pesticide application in any of the subdistricts will not require a permit from the Commission provided such application is in conformance with applicable State and Federal statutes and regulations.

* 1. SIGNS

Signs not in conformance with the standards of Section 10.27,J may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed sign, which is not in conformance with the standards of Section 10.27,J, shall be erected and maintained in a manner which produces no undue adverse impact upon the resources and uses in the area.

* + 1. **Signs Not Requiring a Permit.**

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Section 10.27,J,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

* + - 1. Signs identifying stops or fare zone limits of common carriers;
			2. Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
			3. Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
			4. Traffic control signs or devices;
			5. Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 square feet This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
			6. Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
			7. Memorial signs or tablets;
			8. Signs erected by county fairs and expositions for a period not to exceed six weeks;
			9. Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
			10. Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
			11. Official business directional signs as defined and authorized by 23 M.R.S.§21.
			12. Sign kiosks near trail intersections that do not exceed 128 square feet of surface area used for the placement of multiple individual signs including those advertising a place of business. No more than one sign kiosk may be located near any trail intersection and individual signs (other than maps) on such kiosks shall not exceed 4 square feet in size. No other signs advertising a place of business shall be located at such intersections. Such kiosks shall not be visible from a public roadway.
			13. Signs containing only a symbol or design identifying gas, food or lodging services and the distance and/or direction to such services at trail intersections without a sign kiosk. Such signs are not to exceed 4 square feet in size.
			14. Signs identifying a particular place of business offering gas, food, or lodging at the intersection of a local feeder trail leading directly to that place of business. Such signs are not to exceed 4 square feet in size and shall not be visible from a public roadway.
			15. **On-Premise Signs.** Owners or occupants of real property may erect and maintain on-premise signs, except roof signs, advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the following requirements and the regulations set forth in Section 10.27,J,2 below:
				1. On-premise signs shall not exceed in size the area limitations set forth below:

 **Maximum Aggregate Area**

 **Maximum Size for of all Signs for Facility**

 **Subdistricts Each Individual Sign Being Advertised**

 (square feet) (square feet)

D-CI, D-ES, D-GN, D‑GN2,

D-GN3, D‑MT, D-PD, D-PR,

D-RB, D-RD, D-RF, M-GN, M-HP 32 64

D-LD, D-RS, D-RS2, D-RS3, M-NC

and All Protection Subdistricts 8 16

Table 10.27,J-1. Size limitations for on-premise signs.

* + - * 1. On-premise signs shall not be located more than 1,000 feet from the building or other particular site at which the activity advertised is conducted;
				2. Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 square feet, except signs advertising a subdivision which shall be limited in size as provided by Section 10.27,J,1,o,(1);
				3. On-premise signs, other than wall or projecting signs, shall not extend more than 15 feet above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
				4. Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
				5. Signs attached to a wall shall not extend above the top of the wall.

On-premise signs which are not in conformance with the preceding requirements and all roof signs may be allowed only under the provisions of a permit from the Commission.

* + 1. **Regulations Applying to All Signs.**

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

* + - 1. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
			2. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
			3. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
			4. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
			5. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
			6. Is in violation of, or at variance with, any other applicable State law or regulation;
			7. With the exception of cannabis businesses, advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
			8. Is not clean or in good repair; or
			9. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

* + 1. **Criteria for Sign Approval.**

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.§685-B(4) as well as the following:

* + - 1. That the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
			2. That the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
			3. That the sign will not constitute a hazard to the flow of traffic; and
			4. That the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.27,J,1.
	1. WATER IMPOUNDMENTS

The establishment of impoundment water levels and the maintenance of impoundments shall conform to the provisions of 38 M.R.S. Art 3-A §815 *et seq*., Maine Dam Inspection, Registration and Abandonment Act.

* 1. TRAILERED RAMPS, HAND-CARRY LAUNCHES, AND WATER-ACCESS WAYS

Except as hereinafter provided, trailered ramps, hand-carry launches, and water-access ways not in conformance with the standards of standards of Section 10.27,L may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved.

Except as provided for in Section 10.27,L,4, trailered ramps, hand-carry launches, and water-access ways require a permit from the Commission. Where a permit is required, the proposal must meet the general Criteria for Approval, Section 10.24, and the Criteria for Wetland Alterations, Section 10.25,P, in addition to any applicable requirements set forth in these rules.

* + 1. **Private Trailered Ramps, Hand-carry Launches, and Water-access Ways.**

Wherever private trailered ramps, or hand-carry launches, or water access ways are allowed by special exception, the following apply:

For a proposed private trailered ramp, hand-carry launch or set of water-access ways, the following constitutes “an alternative site reasonably available” to the applicant:

* + - 1. An existing public or commercial trailered ramp or set of water-access ways if it has two or more associated parking spaces for motor vehicles with trailers and is located within 15 road miles or 5 miles by water of the applicant’s proposed development,
			2. A proposed public or commercial trailered ramp or set of water-access ways located within 15 road miles or 5 miles by water of the applicant’s proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.
		1. **Facilities Associated with Shorefront Subdivisions.**

Shorefront subdivisions may be permitted no more than one trailered ramp, hand-carry launch or set of water-access ways, and one permanent dock. Any such facility must comply with Section 10.27,L,5, and Section 10.27,O, and must be accessible to all lots in the subdivision. The location of the facility must be identified on the subdivision plat and right of access must be covenanted in the deeds of all lots in the subdivision.

* + 1. **Maintenance of Trailered Ramps and Hand-carry Launches.**

**Maintenance.** Every application for a permit, or permit by special exception for a new or replacement trailered ramp or hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of Section 10.27,L,5, to minimize erosion, sedimentation, and transport of phosphorus into the water body.

* + 1. **Notification for Trailered Ramps and Hand-carry Launches.**

Public trailered ramps and public hand-carry launches are allowed without a permit within the shoreland zone of all water bodies except those identified as P-AL, P-RR, P-WL, and Management Class 1, 2, and 6 Lakes.

The following notification provision applies to construction of new or replacement trailered ramps and hand-carry launches where such projects are allowed without a permit. If a proposed project fails to meet any notification requirement or other applicable rule, the project requires a permit.

* + - 1. Every notification must be on a form provided by the Commission.
			2. At least 30 days before filing the notification with the Commission, the applicant shall inform the Commission of the intent to file, mail notice to the local board of selectmen/assessors, if applicable, and to all landowners/lessees within 1000 feet of the proposed project according to the records of Maine Revenue Services or the applicable plantation/municipality. At the time of notice, a draft notification form must be available for inspection. The notice must state how to obtain a copy of the draft notification, the anticipated date for filing of the notification with the Commission, and a statement that public comments on the notification may be submitted to the Commission. Unless this deadline is extended by the Commission, any such comments must be submitted to the Commission by the anticipated date of the filing of the notification with the Commission.
			3. The applicant may proceed with the proposed project 14 days after filing the notification with the Commission unless within this time period the Commission staff informs the applicant in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which Section 10.27,L,4 and 5 are met or that there may be an undue adverse impact on existing uses or resources in the project area. If these issues cannot be resolved, the Commission will determine if there is sufficient public interest in the project to warrant consideration of a public hearing on the notification. If a hearing is held, the Commission may consider compliance with the applicable requirements of Section 10.27,L,4 and 5 and impacts on existing uses or resources in the project area. Within 60 days after the close of any public hearing, the Commission shall inform the applicant in writing of its determination. If the Commission determines that the requirements of Section 10.27,L,4 and 5 are met and that the project will not have an undue adverse impact on existing uses or resources in the project area, the notification will be accepted. If the notification is not accepted, the project will require a permit to proceed.
			4. **Expiration.** A notification expires 2 years from the date of acceptance by the Commission.
		1. **Design and Construction Standards for Trailered Ramps and Hand-carry Launches.**

Unless otherwise stated, the following standards apply to trailered ramps and hand-carry launches that are subject to the notification provisions in Section 10.27,L,4, and to all commercial or private trailered ramps and hand-carry launches.

* + - 1. **Erosion Prevention and Control During Construction.** Eroded soil or fill material from disturbed areas must be prevented from entering a water body. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with “Maine Erosion and Sediment Control Practices Field Guide for Contractors,” Maine Department of Environmental Protection, (2014).
			2. **Avoidance of Water Bodies.** No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the water body being accessed, identified as P-WL1 on the Commission’s zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other water body, except that an access roadway may cross a stream if requirements of Section 10.27,D, pertaining to water crossings, are met.
			3. **Maintenance of Vegetated Buffer.** Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the water body’s vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the water body. In the case of private trailered ramps, if the lot does not have a well-established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the water body, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.
			4. **Runoff Diversion.** Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the water body. For private facilities, the total land area above the normal high water mark that drains directly into the water body along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.
			5. **Trailered Ramps.**
				1. A public trailered ramp having a slope in excess of 8% must be hard-surfaced except where the agency responsible for maintaining the facility anticipates a level of use that does not justify the expense of a hard surface facility. Should the level of use increase such that erosion problems become evident, the responsible agency shall insure that appropriate measures are taken to repair such erosion and avoid any further erosion.
				2. Private trailered ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms.
				3. The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%;
				4. The width of the ramp lane must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps;
				5. The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve;
				6. Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode; and
				7. The total area disturbed in the construction of private facilities shall not exceed 1,000 square feet within 50 feet of the normal high water mark.
			6. **Associated Docking Systems.** For a public or commercial trailered ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.
			7. **Hand-carry Launch.** A hand-carry launch must meet the following specifications:
				1. The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;
				2. The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;
				3. The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff;
				4. A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark; and
				5. Filled or cut slopes at or below the normal high water mark must be protected with riprap.

Within those subdistricts where hand-carry launches are allowed without a permit, the standards for hand-carry launches may be exceeded upon issuance of a permit.

* + - 1. **Geoweb.** Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the water body.
			2. **Concrete.** Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
			3. **Washing.** No washing of tools, forms, or similar material may occur in or adjacent to the water body or wetland.
			4. **Lumber.** The use of untreated lumber is preferred. Pressure-treated wood approved by the U.S. Environmental Protection Agency for dock construction may be used. Chromated copper arsenate (CCA) treated wood must not be used in freshwater environments. Creosote or pentachlorophenol (PCP) treated wood must not be used.
			5. **Machinery in Water.** Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.
			6. **Debris.** Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.§1301 et seq.
			7. **Dimensional Requirements.** The dimensional requirements in Section 10.26 apply.

* 1. SERVICE DROPS

Service drops not in conformance with the standards of Section 10.27,M are prohibited. A permit is not required for a service drop provided one of the following conditions is met:

* + 1. The Commission has issued a permit for the structure or development to be served; or
		2. The Commission has confirmed, in writing, that the structure or development to be served is exempt from the Commission’s permitting requirements.

* 1. HOME-BASED BUSINESSES

Except as hereinafter provided, home-based businesses not in conformance with the standards of Section 10.27,N are prohibited.

* + 1. **Minor Home-based Businesses.**
			1. **Purpose.** The intent of Section 10.27,N,1 is to allow minor home-based businesses under the conditions stated herein in certain subdistricts without requiring a permit.
			2. **Size.**
				1. A minor home-based business must not utilize not more than 50 percent of all floor area of all principal and accessory structures up to a limit of 1,500 square feet.
				2. Notwithstanding Section 10.27,N,1,b,(1), a home child day care provider or home adult day services program without outside staff and caring for no more than six children or adults is considered a minor home-based business, but is not subject to the limitations on percent and floor area of the structure utilized.
			3. **Employees.** No employees outside the resident family may regularly work on the premises.
			4. **Exterior effects.** There must be no exterior display, no exterior storage of materials, and no other exterior indications of a minor home-based business with the following exceptions:
				1. Outdoor activity areas are allowed for home child day care providers and home adult day services programs;
				2. Signs are allowed in conformance with Section 10.27,J except in D-RS, D-RS2 and D-RS3 subdistricts where one unlighted sign no greater than two square feet in area is allowed for the home-based business; and
				3. Vehicles and equipment as allowed below in Section 10.27,N,1,h.
			5. **Nuisances.** A minor home-based business must not generate any noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference, or other effects such that levels common to a residential area are exceeded beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily dwelling.
			6. **Traffic.** A minor home-based business must not attract clients, customers, or students to the premises for sales or services on a regular basis, except for home child day care providers or home adult day services programs. The level of vehicular traffic generated by a home-based business must not significantly exceed that generated by a residence.
			7. **Parking.**  A minor home-based business must not result in more than occasional, short-term parking, except for home child day care or adult day services providers.
			8. **Vehicles and equipment.** A minor home-based business must not involve the regular on-premise use or storage of more than one tractor truck and semitrailer and one piece of heavy equipment such as construction equipment.
			9. **Hazardous wastes.** A minor home-based business must not generate hazardous wastes in amounts that exceed normal residential household quantities.
			10. **Cannabis Businesses.** Minor home-based businesses involving a cannabis business are allowed in compliance with Section 10.27,S,4.
		2. **Major Home-based Businesses.**
			1. **Purpose.** The intent of Section 10.27,N,2 is to allow major home-based businesses in certain subdistricts through the issuance of permits.
			2. **Size.**
				1. A major home-based business must not utilize more than 50 percent of all floor area of all principal and accessory buildings up to a limit of 2,500 square feet.
				2. Notwithstanding Section 10.27,N,2,b,(1), a home child day care provider or home adult day services program with outside staff and caring for up to 12 children or adults is considered a major home-based business, but is not subject to the limitation on the percent and floor area of the structure utilized. Adaptive rehabilitation and reuse of existing accessory structures for major home-based businesses may exceed the size limitations of such home-based businesses if the following conditions are met:

The structure is a legally existing accessory structure constructed before October 31, 2000, and

The structure will not be expanded in size.

* + - 1. **Employees.** No more than two people outside the resident family may work simultaneously on the premises in connection with all home-based businesses on the premises.
			2. **Exterior effects.** There must be no exterior display, no exterior storage of materials, and no other exterior indications of a major home-based business with the following exceptions:
				1. Outdoor activity areas are allowed for home child day care providers and home adult day services programs;
				2. Signs are allowed in conformance with Section 10.27,J except in D-RS, D-RS2 and D-RS3 subdistricts where one unlighted sign no greater than four square feet in area is allowed for the home-based business; and
				3. Vehicles and equipment as defined below in Section 10.27,N,1,h.
			3. **Nuisances.** A major home-based business must not generate any noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference, or other effects such that levels common to a residential area are exceeded beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily dwelling.
			4. **Traffic.** The level of vehicular traffic generated by a home-based business must not significantly exceed that generated by a residence, except for home child day care providers or home adult day services programs.
			5. **Parking.** Adequate off-street parking must be provided for the vehicles of employees and other visitors of the home-based business during peak operating hours, not to exceed six spaces, and must be effectively screened from the view of adjacent properties, access roads, and water bodies other than waters draining less than 50 square miles.
			6. **Vehicles and equipment.** A major home-based business must not involve the regular on-premise use or storage of more than an aggregate of four tractor trucks and semitrailers and/or pieces of heavy equipment such as construction equipment.
			7. **Hazardous wastes.** A major home-based business must not generate or store quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the applicable requirements of DEP rules, Chapter 850, Section 4.
			8. **Cannabis Businesses.** Major home-based businesses involving a cannabis business are allowed in compliance with Section 10.27,S,4.
			9.
	1. PERMANENT DOCKING STRUCTURES

Except as hereinafter provided, permanent docking structures not in conformance with the standards of Section 10.27,O are prohibited.

To be granted a permit, permanent docking structure proposals must meet the General Criteria for Approval, Section 10.24, and the Criteria for Wetland Alterations, Section 10.25,P, in addition to any applicable requirements set forth in Section 10.27,O. Permanent docking structures proposed in a (P-FP) Flood Prone Protection Subdistrict, or in an area identified on a Federal Emergency Management Agency (FEMA) Flood Hazard Boundary or Flood Insurance Rate Map, must also meet the applicable provisions of Section 10.25,T.

* + 1. **Reconstruction of Permanent Docking Structures.**
			1. A permit for reconstruction shall not be issued unless the permanent docking structure is legally existing. For docks larger than the size limitations for new or expanded docks in Section 10.27,O,2,b, the size of the reconstructed dock must be no more than 90 percent of the size of the original structure. The dock shall be reconstructed in the same location, except as provided for in Section 10.27,O,1,d. The reconstructed structure must not extend farther into the waterbody than the existing structure. Reconstruction of a permanent docking structure shall not include reconstruction of any other structure, such as a shed or boathouse, which is attached to the docking structure, except as provided for in a (D-MT) Maritime Development Subdistrict and in a DACSS listed in Appendix G, Section 2 of this chapter. Reconstructed docks must meet the construction standards in Section 10.27,O,4.
			2. An application to obtain a permit to reconstruct a permanent docking structure must be completed and filed within two years of the date of damage, destruction, or removal; and a permit shall not be issued unless the docking structure was functional within a two year period immediately preceding the damage, destruction, or removal.
			3. Reconstruction may not take place within significant wildlife habitat, as defined in Chapter 2 of the Commission’s rules, or impact rare plants and natural communities, as identified by the Maine Natural Areas Program. Reconstruction may not take place within 250 feet of essential wildlife habitat, as defined in 12 M.R.S. §§ 7754 and 7755-A unless the applicant has obtained approval from the Maine Department of Inland Fisheries and Wildlife.
			4. The reconstructed docking structure must be in the same location on the shoreline as the existing structure, except that when possible, reconstructed structures not meeting the minimum property line setback must be relocated to meet the property line setback.
			5. The reconstructed docking structure must not interfere with, or reduce the opportunity for, existing navigation and recreational uses of the site.
			6. The reconstructed docking structure and activities associated with reconstruction must not alter the hydrology of the waterbody, permanently interfere with natural flow, or cause impoundment of the waterbody in excess of the existing structure. Fish passage must not be blocked.
			7. Activities associated with reconstruction of docking structures located in flowing waters must take place between July 15 and October 1. In standing waters, activities must be conducted during a period of low water, and for flowed lakes when the lake bottom is exposed.
		2. **New or Expanded Permanent Docking Structures.**
			1. **Special Exception Criteria for Permanent Docking Structures.**
				1. New or expanded permanent docking structures may be approved only where the applicant has demonstrated by substantial evidence that:

The siting, location and size of such structure will not interfere with navigation; and

In the case of a permanent docking structure to serve private, non-commercial activities, it is infeasible to utilize a temporary docking structure due to unusual or extraordinary physical conditions of the site, including, but not limited to, conditions that will not allow anchoring of a temporary structure or wind and wave action sufficient to preclude the use of a temporary structure. The burden of proof is on the applicant to demonstrate the necessary site conditions; or

In the case of a permanent docking structure to serve public or institutional activities, a permanent docking structure is necessary for public safety and convenience; or

In the case of a permanent docking structure to serve commercial or industrial activities, a permanent docking structure is reasonably necessary, and a temporary docking structure is not feasible or adequate to provide for public safety and convenience.

* + - * 1. The special exception criteria of “no alternative site” shall be judged according to the following:

Proximity to a public or commercial dock.

For private, non-commercial docks on the mainland, the following shall constitute “an alternative site reasonably available to the applicant”:

An existing public or commercial dock located within 15 road miles or 5 miles by water of the applicant’s proposed development; or

A proposed public or commercial dock located within 15 road miles or 5 miles by water of the applicant’s proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.

For private, non-commercial docks located on an island, the following shall constitute “an alternative site reasonably available to the applicant”:

An existing public or commercial dock located on the island where the applicant’s dock would be located; or

A proposed public or commercial dock located on the island where the applicant’s dock would be located, provided such a facility is proposed for construction within 2 years of the date of the application;

Proximity to other means of access. For private, non-commercial docks, an existing sandy beach area where a small boat may be landed and pulled ashore shall constitute “an alternative site reasonably available to the applicant”; and

Proximity to less ecologically sensitive areas. An alternative site that would result in the least environmental impact while still providing access shall constitute “an alternative site reasonably available to the applicant”. Ecologically sensitive areas include, but are not limited to, areas defined as Significant Wildlife Habitat in Chapter 2 of the Commission’s rules; eel grass beds; salt marsh or emergent marsh vegetation; or other high value fisheries and wildlife habitat.

* + - 1. **Maximum Dimensions.** The new or expanded permanent docking structure must be no longer or wider than is necessary for the use intended, and meet the following:
				1. **Coastal Wetlands.**

Maximum length. A dock must not be constructed within a marked navigable channel, and

A private, non-commercial dock must extend no farther than 100 feet beyond the mean lower low water level, or no farther than is necessary to achieve a draft of 5 feet of water at mean lower low water, whichever is less; or

A public or commercial dock must extend no farther than 100 feet beyond the mean lower low water level, or no farther than is necessary to achieve a draft of 8 feet of water at mean lower low water, whichever is less; and

Maximum width. A private, non-commercial dock must be no wider than 8 feet.

* + - * 1. **Non-Tidal Water Bodies.**

Maximum length.

A private, non-commercial dock must extend no farther than 50 feet beyond the normal high water mark; or

A public or commercial dock must extend no farther than 75 feet beyond the normal high water mark; and

Maximum width. A private, non-commercial dock must be no wider than 8 feet.

* + 1. **Normal Maintenance and Repair.**
			1. Normal maintenance and repair of permanent docking structures above the normal high water mark does not require a permit.
			2. Boathouses and floatplane hangars. Except as provided for in a (D-MT) Maritime Development Subdistrict and in a DACSS listed in Appendix G, Section 2 of this chapter, boathouses and floatplane hangars may be maintained (see the definition of normal maintenance and repair), but may not be reconstructed.
		2. **Construction Standards.**
			1. New or expanded docking structures must be constructed using methods, such as pilings, that allow for free flowing water and fish passage beneath the dock. Reconstructed docking structures must be pile-supported where feasible. Construction methods, such as rock filled cribs, that place fill below the normal high water mark of coastal wetlands or non-tidal water bodies may only be allowed where the applicant demonstrates by a preponderance of evidence that non-fill construction techniques are not practicable;
			2. When located over eel grass beds, or salt or emergent marsh vegetation that is ten feet or greater in width, the deck height above the substrate must be at least equal to the dock’s width;
			3. The use of untreated lumber is preferred, although pressure-treated wood approved by the U.S. Environmental Protection Agency for dock construction may be used. Chromated copper arsenate (CCA) treated wood must not be used in freshwater environments. Creosote or pentachlorophenol (PCP) treated wood must not be used.
			4. Uncured concrete must not be placed directly in the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed; and
			5. Except within (D-MT) Maritime Development Subdistricts, new or expanded permanent docks must not include or accommodate non-water dependent structures, including but not limited to, gazebos, screen houses, or other enclosed or semi-enclosed structures.
	1. Accessory Structures

Section 10.27,P applies to new or expanded accessory structures allowed without a permit subject to standards. For the purposes of this section, accessory structures include but are not limited to garages, decks, porches, accessory solar energy generation facilities, and sheds, whether attached or detached. Section 10.27,P does not apply to structures identified separately in the use listings in Sub-Chapter II, such as docks or signs.

If all conditions and standards below cannot be met, a permit is required.

All new or expanded accessory structures allowed without a permit subject to standards must meet the following conditions:

**1.** The accessory structure is located in a subdistrict that allows the principal use;

**2.** The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-year period is not more than 750 square feet, except that freestanding accessory solar energy generation facilities are limited to not more than 750 square feet in total;

**3.** Be accessory to a legally existing principal structure or use;

**4.** Meet the definition of accessory structure in Chapter 2 of the Commission’s rules;

**5.** Conform with the General Criteria for Approval in Section 10.24,A;

**6.** Meet the development standards in Sections 10.25 B, F, H and M, as applicable; and the activity specific standards in Section 10.27, as applicable;

**7.** Conform with any applicable permit conditions, or deed restrictions recorded for the property;

**8.** Meet all of the applicable dimensional requirements in Section 10.26,D-through F;

**9.** Have unfinished interiors and not be used for human habitation;

**10.** Have no internal plumbing and not be supplied with water other than for a hose bib (exterior hose faucet);

**11.** Not be used for a home-based business;

**12.** Not be located in a flood prone area as defined in Chapter 2 of the Commission’s rules and described in Section 10.23,C;

**13.** Neither use in construction nor produce any hazardous or toxic materials or substances;

**14.** Be consistent with the use of the principal structure and not add a new activity to those currently permitted at the site or facility; and

**15.** Not cause the total development on a property to exceed any gross floor area limitation related to the type of use.

**16.** If the accessory structure is a non-residential greenhouse, lighting must be fully shielded between sunset and sunrise and must not illuminate exterior areas or otherwise make the greenhouse appear to glow.

* 1. Recreational Lodging Facilities

All new recreational lodging facilities, and reconstruction of or substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of Section 10.27,Q or in accordance with other applicable provisions of this Chapter. If the requirements in the standards below are at variance with the requirements of any other provisions of this Chapter, or other lawfully adopted rules, regulations, standards, or ordinances, the more protective of existing natural, recreational and historic resources shall apply.

* + 1. **Recreational Lodging Categories.**

A recreational lodging facility will be categorized based on the factors in Table A below. A facility will be categorized in the lowest facility level (A, B, C, D or E, with A being the lowest level and E being the highest level) in which the facility does not exceed any of the limits established in the Table A. Facilities in existence prior to July 1, 2013 may be categorized without regard to footprint of clearing.

Within the D-GN, D-GN2, D-GN3, D-RF, and M-GN Subdistricts, Level C and Level D facilities may offer expanded services to the general public and increased overnight occupancy as provided in Table B, with the rows labeled 5 through 9 in Table B substituting for the corresponding rows in Table A. In these subdistricts, Table B adjusts Table A. A Level C or Level D facility applying any of the Table B adjustments is referred to in Sub-Chapter II as a “Level C – Expanded Access” facility and “Level D – Expanded Access” facility, respectively. As provided in Sub-chapter II, these expanded access facilities require permit or special exception approval.

As used in Section 10.27,Q, the term “clearing” means an opening in the forest canopy, measured from the remaining crown or canopy, in an area that was once, but is no longer forested. Clearing includes but is not limited to areas that may now contain or be used for roads, parking, lawn, structures, or subsurface wastewater disposal systems. Land areas that are naturally devoid of trees or naturally consisting of sparse trees are not included in “clearing,” unless human intervention is required to maintain this state (e.g., burning, mowing).

|  |
| --- |
| **Table A: Facility Level Determination.** |
| **Factors** | **Facility Level** |
| **A** | **B** | **C** | **D** | **E** |
| 1. On-site recreation activities, features, and/or services*(i)*
 | N | Low noise, odorMostly screened | Some noise, odorPartially screened | Routine noise, odorHighly visible |
| 1. Utilities: May be served by public utilities and/or indoor plumbing or water and electric at campsites
 | N | Y | Y | Y | Y |
| 1. Floor area of principal buildings *(in square feet)(ii*):
 | < 750 | < 8,000 | < 12,000 | < 20,000 | No limit |
| 1. Footprint of clearing within 250 feet of any body of standing water not including constructed ponds, coastal wetlands, or flowing waters downstream from the point where such waters drain 50 square miles or more, in accordance with Section 10.27,Q,5. *(in square feet) Section 10.27,B still applies:*
 | < 6,000 | < 36,000 | < 54,000 | < 90,000 | No limit |
| 1. Retail *(in square feet)*:
 | 0 | < 100 | < 200 | < 500 | < 800 |
| or not more than 5% of floor area of principal buildings, whichever is larger |
| 1. Dining amenities
 | N | Guests | Guests | Guests | Public |
| 1. Fuel sales
 | N | Guests | Guests | Guests | Public |
| 1. Recreation activities, features, and/or services*(i)*
 | N | Guests | Guests | Guests | Public |
| 1. Overnight occupancy *(in people)*:
 | < 80 | < 100 | < 150 | < 250 | No limit |
| **Table B: Expanded Access Adjustment.** |
| A Level C or D “Expanded Access” facility provides certain amenities to the general public in addition to overnight guests, and may have increased overnight occupancy. The term Expanded Access reflects that more people will be accessing these facilities. |
| **Factors** | **Facility Level** |
| **A** | **B** | **C**(Expanded Access) | **D**(Expanded Access) | **E** |
| 1. Retail *(in square feet)*:
 |  |  | < 200 | < 500 |  |
| or not more than 10% of floor area of principal buildings, whichever is larger |
| 1. Dining amenities
 |  |  | Public | Public |  |
| 1. Fuel sales
 |  |  | Public | Public |  |
| 1. Recreation activities, features, and/or services*(i)*
 |  |  | Public | Public |  |
| 1. Overnight occupancy *(in people)*:
 |  |  | < 300 | < 400 |  |

**Key:**

* N = not allowed;
* Y = allowed but not required;
* Guests = amenities may be available to overnight guests and may be available on an incidental basis to the general public. In this regard, these amenities provide only limited services or purpose for the convenience of guests, and that, while they may be occasionally patronized by others, are not of a type, scale or design intended to meet the needs primarily of the greater region. Activities, features, and services that are individually advertised are not considered incidental. Activities, features, and services that are not incidental are regulated under separate use listings.
* Public = amenities may be available to overnight guests as well as the general public on a regular basis. With regard to fuel sales, “Public” allows the retail sale of not more than two fuel types (e.g., gas, diesel, aviation gas, natural gas, or propane) to the public with not more than one functioning dispensing device per fuel type where each device can serve no more than one vehicle, customer or container simultaneously, except when the applicant can demonstrate that such dispensing device is not practicable. A recreational lodging facility may continue to utilize any dispensing devices that: i) were in private use at the facility as of August 5, 2013; and ii) do not conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously. However, in such cases, any new or replacement fuel dispensing devices shall conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously.

**Table A and B Notes:**

(i) See definitions.

(ii) Floor area limits in Table A may be increased by 25% in accordance with Section 10.27,Q,2.

* + 1. **Floor Area Adjustment for Expanding Square Footage.**

In any subdistrict, a recreational lodging facility or proposed facility legally bound by provisions acceptable to the Commission that result in a 25 foot vegetative buffer along all property lines facing exterior roads and 50% more depth of the vegetative buffer than otherwise would be required by Section 10.27,B along a whole shoreline and that restrict building color to blend in with the surrounding area and restricts the use of reflective surfaces, shall be allowed 25% more square footage than the floor area limits of Section 10.27,Q,1, Table A. If the subdistrict (see Sub-chapter II) in which the facility is located or is proposed to be located has more restrictive square footage limits, then the subdistrict square footage limits shall apply.

* + 1. **Geographic Allowance Area.**

Certain levels of recreational lodging facilities located within the M-GN, D-GN, or D-RF Subdistricts and within one of the areas described below may be allowed by permit or by special exception (see Sub-chapter II). Facilities located within townships or plantations located within the Prospective Zoning Plan for the Rangeley Lakes Region and facilities located on islands may not receive such geographic allowance.

* + - 1. Within 2 miles measured in a straight line from a public road (except Interstate 95), and located within 10 miles measured in a straight line from the boundary of one of the following municipalities: Anson, Ashland, Bethel, Bingham, Calais, Caribou, Carrabassett Valley, Dover-Foxcroft, Eastport, Ellsworth, Eustis, Farmington, Fort Kent, Gouldsboro, Greenville, Guilford, Houlton, Island Falls, Jackman, Jonesport, Kingfield, Lincoln, Lovell, Lubec, Machias, Madawaska, Medway, Milbridge, Millinocket, Milo, Newry, Oakfield, Old Town, Orono, Patten, Presque Isle, Princeton, Rangeley, Rockwood Strip T1 R1 NBKP, Rumford, Saint Agatha, Sullivan, The Forks Plantation, Unity, Van Buren, Waterford, Wilton. Facilities located within one of these towns, townships, or plantations shall be considered to be within 10 miles of the boundary.
		1. **Measuring Floor Area Limits.**

Unless otherwise specified by another provision, any floor area limitations for recreational lodging facilities shall be a calculation of the total floor area for all principal buildings associated with the facility. For purposes of this calculation, principal buildings generally include, for example: main lodge, cabins for the housing of guests, bathroom facilities, sauna/spa, caretaker and guide housing, and recreation rooms (e.g., the principal space available to or necessary for serving the guests). Further, accessory structures are not counted, including but not limited to: wood shed, generator building, workshop, storage, composting toilet infrastructure, and structures having a footprint of not more than 100 square feet which are part of an on-site recreation activity. Outpost cabins may not be considered in determining conformance of a Commercial Sporting Camp with the applicable floor area limitation of Section 10.27,Q,1.

* + 1. **New or Enlarged Clearing.**
			1. Recreational lodging facilities may create or enlarge a clearing within 250 feet of the shoreline, provided the clearing, in combination with all other clearings at the facility, does not exceed the applicable limits in Section 10.27,Q,1, Table A and such a clearing is in an area that has:
				1. a 100 foot vegetative buffer that meets the provisions of Section 10.27,B,2[[1]](#footnote-1) between the proposed clearing and all points on the shoreline; and
				2. slopes of 20% or less as measured from the highest elevation in the area within 250 feet of the shoreline in which clearing or development is proposed, to the nearest point on the shoreline.
			2. Recreational lodging facilities may create or enlarge clearings within 250 feet of the shoreline regardless of the limits in Section 10.27,Q,1, Table A or the provisions of Section 10.27,Q,5,a, provided the applicant:
				1. demonstrates that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, or from the development or uses located within those clearings; or
				2. submits a mitigation plan for visual impacts, noise, and phosphorus, that will provide substantially equivalent or increased effectiveness over existing conditions.
		2. **Campgrounds.**
			1. RVs that are at individual sites or campgrounds shall not have permanent foundations and shall not have the wheels removed.
			2. In order to comply with transient occupancy standards, a tent, trailer, camper, recreational vehicle, or similar device used for camping may be stored within a campground provided that the device is not occupied for more than 120 days in a calendar year.
		3. **Water-dependent Structures for Recreational Lodging Facilities.**

Recreational lodging facilities may include not more than two water-dependent structures per waterbody, including but not limited to: swimmer sign-out boards, boat racks, and a shed building for the storage of personal floatation devices, paddles, anchors, and other water-related equipment. Such buildings and structures shall:

* + - 1. Contain not more than 100 square feet of floor area per structure;
			2. Not be constructed on a permanent foundation;
			3. Not be habitable or inhabited;
			4. Be located not less than 25 feet from the normal high water mark of any waterbody or watercourse;
			5. Be used only for the purposes of Section 10.27,Q,7; and
			6. Be screened by vegetation or topography from the waterbody.
		1. **Conversion of Use.**

Pursuant to 12 M.R.S. §685-B(1)(A), recreational lodging facilities may not be converted to another use without a permit issued by the Commission. Conversion may be permitted, provided the proposed use is allowed within the subdistrict and complies with the all applicable regulations. When the conversion is to a residential use, the following shall apply:

* + - 1. The structures will comply with the provisions of Sections 10.11,B, C and D;
			2. Any water dependent structures for recreational lodging facilities must be removed or relocated to a location conforming with the provisions of Section 10.26,D; and
			3. The lots and structures must comply with all applicable rules, including, but not limited to, subdivision standards in Section 10.25,Q, and the dimensional requirements of Section 10.26, except as provided in Section 10.27,Q,8,d.
			4. Notwithstanding Section 10.27,Q,8,c, the Commission may permit the subdivision of the facility provided that:
				1. the principal structures may be sold individually but shall be limited by deed restrictions to existing square footage of floor area or footprint;
				2. the lot must be commonly owned as a condominium lot;
				3. the conversion and related division shall meet the subdivision design standards of Section 10.25,Q to the greatest extent practicable;
				4. the condominium lot and existing structures:

in the aggregate, meet all dimensional requirements of Sections 10.26,A, B, and C;

as an individual lot or structure, meet all dimensional requirements of Section 10.26 to the greatest extent practicable; and

* + - * 1. in no case shall less than three principal structures be located on a commonly owned lot.
			1. If a campground is converted to another use:
				1. the historic use of a site for an RV does not establish a right to use that site or permanently place an RV or other structure at that site; and
				2. permanent structures, including but not limited to an office, store, bathhouses, and recreation buildings, may be allowed to remain and/or be converted to another use, in conformance with other provisions of the Commission’s Land Use Districts and Standards
	1. RURAL BUSINESSES

The following requirements shall apply to rural businesses located in the D-RB subdistrict except as otherwise provided herein.

* + 1. **Category of Rural Businesses[[2]](#footnote-2)**

Except as hereinafter provided, rural businesses not in conformance with the standards of Section 10.27,R are prohibited.

* + - 1. **Category 1 Rural Business.**
				1. **Description.** Natural resource-based business.
				2. **Size.**

Up to three acres utilized by the business, and

Up to 4,000 square feet of gross floor area, or as provided by Section 10.27,R,2.

* + - * 1. **Exterior effects.** There must be no exterior display, no exterior storage of materials, and no other exterior indications of a rural business with the following exceptions:

Outdoor storage of raw materials and finished product are allowed, provided at least 50 percent of the raw materials used in production come from the site or working farm or forest lands under the same ownership;

Outdoor storage of outdoor recreation equipment and supplies; and

Shipping and receiving areas appropriate for Category 1 type businesses, particularly when considering one or more of the following factors:
(a) maximum number of delivery vehicles accommodated at the same time;
(b) daily shipping and receiving hours of operation, including any seasonal variation; and (c) type of delivery vehicle.

* + - * 1. **Traffic.** The level of vehicular traffic generated by a Category 1 rural business must not significantly exceed that commonly associated with Category 1 types of business. If not located on a numbered state or federal route, traffic on the network of roads used to facilitate movement of goods and services to and from the business may not exceed levels common to the surrounding setting and uses.
				2. **Hours of Operation.** The Commission may limit hours of operation to minimize impacts to adjacent residents or uses.
				3. **Vehicles and Equipment.** A business must not involve the regular exterior use or storage of more than an aggregate of six tractor trucks, semitrailers, and heavy equipment such as construction equipment, all of which must be operable or in the process of being made operable. Exterior storage of abandoned or inoperable vehicles or heavy equipment is not permitted.

				Seasonal variations in the number of units stored are permissible so long as the seasonal increase is for a relatively short period of time and the increase above the limit of stored units does not cause undue adverse impacts to surrounding uses and resources.

				This factor does not address delivery or pickup vehicles, which are addressed by Section 10.27,R,1,a,(3),(c).
				4. **Hazardous wastes.** A Category 1 rural business must not generate or store quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP Rules, Section 3(A)(5)(d)(vii), if applicable.
			1. **Category 2 Rural Business.**
				1. **Description.** Retail, restaurants, offices, and similar small businesses.
				2. **Size.**

Up to 2,500 square feet of gross floor area, or as provided by Section 10.27,R,2.

* + - * 1. **Exterior effects.**

No outdoor storage is allowed.

Outdoor activity areas are allowed including for child day care and adult day service programs, dining, display of merchandise (during hours of operation), outdoor dispensing or sale of products, and other activities associated with these types of businesses.

Shipping and receiving areas appropriate for Category 2 type businesses, particularly when considering one or more of the following factors:
(a) maximum number of delivery vehicles accommodated at the same time;
(b) daily shipping and receiving hours of operation, including any seasonal variations, and; (c) type of delivery vehicle.

* + - * 1. **Traffic.** The level of vehicular traffic generated by a Category 2 rural business must not significantly exceed that commonly associated with Category 2 types of business. If not located on a numbered state or federal route, traffic on the network of roads used to facilitate movement of goods and services to and from businesses may not exceed levels common to the surrounding setting and uses.
				2. **Hours of Operation.** Hours of operation must conform to surrounding settings and uses. The Commission may limit hours of operation to minimize impacts to adjacent residents or uses.
				3. **Vehicles and Equipment.** A business may not involve the regular exterior use or storage of heavy equipment such as construction equipment, except building maintenance or grounds keeping equipment generally used in a Category 2 type of business.

				This factor does not address delivery or pickup vehicles, which are addressed by Section 10.27,R,1,b,(3),(c).
				4. **Hazardous wastes.** A Category 2 rural business must not generate or store quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP Rules, Section 3(A)(5)(d)(vii), if applicable.
			1. **Category 3 Rural Business.**
				1. **Description.** Manufacturing, Construction, Service and Similar Businesses.
				2. **Size.**

Up to 20,000 square feet of gross floor area, or as provided by Section 10.27,R,2.

* + - * 1. **Exterior effects.**

Site may be used for storage of raw materials and finished products.

Site may be used for equipment storage.

Shipping and receiving areas appropriate for Category 3 type businesses, particularly when considering one or more of the following factors:
(a) maximum number of delivery vehicles accommodated at the same time;
(b) daily shipping and receiving hours of operation, including any seasonal variations, and; (c) type of delivery vehicle.

Adequate provisions must be made for noise and dust abatement.

* + - * 1. **Traffic.** The level of vehicular traffic generated by a Category 3 rural business must not significantly exceed that commonly associated with Category 3 types of business. If not located on a numbered state or federal route, traffic on network of roads used to facilitate movement of goods and services may not exceed levels common to the surrounding setting and uses.
				2. **Hours of Operation.** Hours of operation must conform to surrounding settings and uses. The Commission may limit hours of operation to minimize impacts to adjacent residents or uses.
				3. **Vehicles and Equipment.** A business must not involve the regular exterior use or storage of more than an aggregate of eight tractor trucks, semitrailers, and heavy equipment such as construction equipment, all of which must be operable or in the process of being made operable. Exterior storage of abandoned vehicles or heavy equipment is not permitted.

				Seasonal variations in the number of units stored are permissible as long as the seasonal increase is for a relatively short period of time and the increase above the limit of stored units does not cause undue adverse impacts to surrounding uses and resources.

				This factor does not address delivery or pickup vehicles, which are addressed by Section 10.27,R,1,c,(3),(c).
				4. **Hazardous wastes.** A Category 3 rural business must not generate or store quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP Rules, Section 3(A)(5)(d)(vii), if applicable.
		1. **Existing Businesses and Buildings.**
			1. **Expansion of Existing Rural Business.**

For the purposes of Section 10.27,R, Existing Rural Business is a business that meets the definition of Rural Business, in accordance with Chapter 2 of the Commission’s rules and is an ongoing functional enterprise as of May 9, 2016.

* + - * 1. Existing Category 1 or 2 Rural Business located within the respective locational requirements for Category 1 or Category 2 Rural Business may expand in size up to 30 percent larger than the applicable size limits, provided:

All other applicable Category limits are met; and

All other applicable standards (such as dimensional requirements of Section 10.26) are met.

* + - 1. **Utilization of Existing Buildings.**

For the purposes of Section 10.27,R, Existing Building is a structure that is legally existing and meets the definition of “building”, in accordance with Chapter 2 of the Commission’s rules, as of May 9, 2016.

The use of an Existing Building for a Rural Business located within the locational requirements for any category rural business within the D-RB, including reconstruction within the existing footprint, may be permitted without regard to building size provided:

* + - * 1. the applicant demonstrates that the use of the building will meet all other applicable category factors for that location;
				2. reconstructed buildings remain within the existing footprint and have a maximum height no higher than the height of the existing building, or 35 feet, whichever is higher[[3]](#footnote-3); and
				3. all other applicable standards (such as dimensional requirements of Section 10.26) are met.
		1. **Buffering.**

A buffer strip shall be provided so as to minimize visual and other impacts on surrounding residential uses from non-residential buildings and uses located within the D-RB subdistrict. When required, buffering will consist of:

* + - 1. A vegetated strip of no less than 15 feet in width sited in such a way as to minimize visual impacts from non-residential buildings and uses on surrounding residential uses; or
			2. Where no natural vegetation exists, the buffer may consist of fences, walls, or berms; or tree plantings and/or hedges.

Adequate provision shall be made for the maintenance, repair and replacement of all buffers to ensure continuous year round effective screening of any abutting residential property.

The Commission may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of Section 10.27,R,3.

* + 1. **Subdivision Conditions.**

As required by Section 10.25,Q,6,e, all subdivision lots permitted for Rural Businesses in the D-RB subdistrict shall include a condition requiring that the lot be used only for Rural Businesses unless the Commission, or its legal successor in function, releases the condition.

* 1. Commercial Businesses

The standards in Section 10.27,S apply to commercial businesses. Natural Resource Processing Facilities and Recreation Supply Businesses not in conformance with the standards of Section 10.27,S,2 and 3 may be allowed upon issuance of a permit from the Commission, provided that such types of activities are allowed in the subdistrict involved. An applicant for such a permit must show by a preponderance of the evidence that the business activity, which is not in conformance with the Standards of Section 10.27,S will be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area. Sections 10.27,S,1 and 4 include standards which may not be exceeded with a permit.

* + 1. **Standards for All Commercial Development.**
			1. **Wildlife Passage.**

Except as provided in Section 10.27,S,1,a,(2), the standard for wildlife passage must be met for all commercial businesses located within a primary location and in a new development subdistrict established after June 17, 2019.

* + - * 1. The design for the business must include suitable open space for wildlife passage, around or through the development, of at least 500 feet in width. The wildlife passage must be located, in order of preference, along the side of flowing waters or wetlands, in a way that links high value wildlife habitats on or off the property, along the property line of any abutting conserved land, or adjacent to one of the boundary lines of the parcel, to the extent practicable.
				2. Notwithstanding Section 10.27,S,1,a,(1), the Commission may allow a design without onsite open space for wildlife passage:

In cases where a proposed development constitutes “in-fill” development, on a parcel surrounded by existing development, for which any designated open space would be an isolated pocket providing little long-term value.

In cases where the commercial business has joined with a group of landowners to jointly establish a common wildlife corridor at least 500 feet in width, within one-quarter mile of the project site, that will be protected in accordance with the provisions of Section 10.25,S.

In cases where a site-specific resource assessment shows that the Commission’s wildlife passage goal will otherwise be met on or within one-quarter mile of the project site.

* + - * 1. Permit applications for commercial businesses required to meet this standard must include a plan identifying the wildlife passage and demonstrating that the open space for wildlife passage will not be materially altered in the future by any uses allowed with or without a permit.
		1. **Natural Resource Processing Facilities.**
			1. **Standards for All Natural Resource Processing Facilities**
				1. Resource Dependency. A natural resource processing facility must be located on the same parcel of land as the raw materials that will be used for processing activities, or located on a parcel directly abutting the parcel of land sourcing the raw materials.
				2. Compatibility.

The processing facility must be located at least one-half mile from compact patterns of residential development which include four or more dwellings within a 500-foot radius.

The facility must be located at least one-half mile from the normal high-water mark of any major waterbodies.

Wooded buffer strips must be maintained in conformance with the standards of Section 10.27,B.

In addition, 100-foot wide wooded buffer strips must be maintained between the processing facility and any property line shared with residential uses, other non-commercial uses, or commercial facilities providing overnight accommodations.

* + - * 1. Decommissioning.

Upon completion of processing activities, the site must be restored to pre-development conditions to the extent practicable.

All disturbed soil areas must be stabilized in conformance with Chapter 10, Appendix B, Guidelines for Vegetative Stabilization.

* + - 1. **Standards for Natural Resource Processing Facilities without Structural Development.**
				1. Scale.

Equipment used for the processing activity must be mobile, and must not include structures as defined in Chapter 2 of the Commission’s rules. The facility and all appurtenant components must not be on site for more than 10 months of the year. Mobile means that a vehicle or trailer must be ready for highway use, and must be fully licensed unless intended to travel exclusively on private roads.

The site used for processing activities must be less than three acres in size.

* + - * 1. Noise. All processing equipment must be separated by a forested buffer strip at least 950 feet in width from all property lines shared with abutting residential uses, other non-commercial uses, or commercial facilities providing overnight accommodations, unless there is demonstrable data available on the noise generated by the equipment and the forested buffer widths of Table 10.27,S-1 are met:

|  |  |
| --- | --- |
| **dB(A) at the source** | **Forested buffer width** (feet) |
| 0-65 | 250 |
| 66-75 | 400 |
| 76-85 | 500 |
| 86-95 | 650 |
| >95 | 950 |

Table 10.27,S-1. Sound pressure level limits.

* + - * 1. Erosion and Sedimentation Control.

Soil disturbance must be kept to a practicable minimum, and operations that result in soil disturbance must be avoided or minimized in sensitive areas such as slopes exceeding 15 percent and areas that drain directly into water bodies or wetlands.

Prior to any soil disturbance, erosion control measures must be implemented to ensure sediment is removed from runoff water before it leaves the site, or enters drainage systems, water bodies, or wetlands.

* + - * 1. Hazardous Materials.

The facility must use operating procedures or equipment to minimize dust generation and accumulation.

Where oil or hazardous materials will be used onsite, facility operators must take all reasonable measures to prevent, control, and clean-up any spills of oil or hazardous materials, and an adequately stocked oil and hazardous materials spill response kit must be kept onsite while the facility is operating.

* + - * 1. Solid Waste. All solid waste generated by the processing facility, including any wood wastes such as bark or sawdust, must be stored and disposed of in accordance with the Maine Solid Waste Management Rules. 06-096 CMR 400.
				2. Traffic.

Any traffic generated by the processing facility must be consistent with the existing pattern on the network of roads used by the facility when considering the type of traffic (e.g., trucks or passenger vehicles), and hours of operation.

If processed goods will be transported by trucks exceeding US truck classification, Class 4 commercial truck, the off-site network of roads used to transport those goods must at least meet the Class 3 roadway standards of Sections 10.25,D,4,c,(3) and (4).

* + - 1. **Standards for Natural Resource Processing Facilities with Structural Development.**
				1. Scale*.*

Permanent structures associated with processing activities must be limited to 4,000 square feet of gross floor area in M-GN subdistricts and limited to 20,000 square feet of gross floor area in D-RD subdistricts; and

The site used for processing activities must be less than three acres in size in M-GN subdistricts, and less than 10 acres in size in D-RD subdistricts.

* + 1. **Recreation Supply Facilities.**
			1. **Standards for All Recreation Supply Facilities.**
				1. Resource Dependency. Facilities must supply equipment or services primarily for use by people pursuing recreational activities on recreational resources such as trails that support motorized vehicle, non-motorized vehicle, or equestrian use, or on bodies of standing water greater than ten acres in size.
				2. Proximity to Resource.Facilities must be located within one-quarter mile of trailheads serving permanent trails that support motorized vehicle, nonmotorized vehicle, or equestrian use; or within one-quarter mile of publicly accessible points of access to a body of standing water greater than ten acres in size, and not within one-quarter mile of Management Class 1, or Management Class 2 lakes, and not within one-half mile of Management Class 6 lakes.
				3. Sanitation.

All recreation supply facilities must provide adequate trash and recycling receptacles for use by customers, and must provide for regular collection and disposal of site-generated solid wastes at a State-approved landfill or transfer station.

Recreation supply facilities that sell food must meet all requirements of the Maine Food Code, and must be licensed by the Maine Department of Health and Human Services or the Maine Department of Agriculture, Conservation, and Forestry.

* + - 1. **Standards for Recreation Supply Facilities without Structural Development.** In addition to the standards listed in Section 10.27,S,3,a recreation supply facilities that do not have structures must comply with the following:
				1. Compatibility with Recreational Lodging Facilities. Temporary or mobile recreation supply businesses that supply food or gear to recreational users must not locate within one-half mile of a recreational lodging facility, as defined in Chapter 2 of the Commission’s rules, which already serves food or already rents or sells gear to the public, except upon prior written agreement of the recreational lodging facility owner.
				2. Scale.

A business must be mobile, and must not include structures as defined in Chapter 2 of the Commission’s rules. The facility and all appurtenant components must not be in the same location for more than 120 days in a calendar year. Mobile means that a vehicle or trailer must be ready for highway use, and must be fully licensed unless intended to travel exclusively on private roads.

Mobile or temporary recreation supply facilities must be self-contained, and all temporary fixtures or signs related to the facility must be stored inside the facility when closed.

The site must not have more than one acre of disturbed area as a result of the development.

* + - * 1. Dimensional Requirements. Pursuant to Section 10.26, all components of recreation supply facilities must meet dimensional requirements for parking areas, structures, and lots applicable to commercial activities. For the purposes of this section, structures include temporary toilets.
				2. Noise and Lighting.

Noise. Facilities must meet the standards for noise included in Section 10.25,F,1.

Lighting. All exterior lighting must be full cut-off and designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent practicable. Activities must not produce a strong, dazzling light or reflection of that light beyond lot lines onto neighboring properties, or onto any roadway so as to impair the vision of the driver of any vehicles upon that roadway or to create nuisance conditions. Additionally, all non-essential lighting must be turned off after business hours, leaving the minimum necessary for site security.

* + - * 1. Parking.

The business must provide for adequate parking to prevent nuisance or unsafe conditions. The design of on-street or off-street parking areas for use of customers and employees must be sufficient for the proposed use, and must not remove parking capacity needed for public use of trailheads or water access points, and must otherwise meet the design requirements described in Section 10.25,D,3.

* + - 1. **Recreation Supply Facilities with Structural Development.** In addition to the standards listed in Section 10.27,S,3,a, recreation supply facilities that have structures must comply with the following:
				1. Scale. Recreation Supply Businesses with structures as defined in Chapter 2 of the Commission’s rules must not have more than 2,500 square feet of gross floor area.
				2. Exterior storage. Recreation supply facilities with structures must have no more than 200 square feet of area used for exterior storage.
		1. **Cannabis Businesses.**

Except as specified below, the following standards apply to medical cannabis and adult use cannabis facilities.

* + - 1. **Odor.**
				1. Ventilation. Any building used for products manufacturing or cultivation must have a properly installed and functioning ventilation and filtration system to remove odors from air exiting the building; and
				2. Property line setbacks. All areas used for outdoor cultivation must be setback 200 feet from all property lines; and
				3. Vegetative Buffers for Outdoor Cultivation. An undisturbed vegetative buffer consisting of trees and shrubs must be maintained between areas used for outdoor cultivation of cannabis and all property lines. The buffer must be composed of a species or a combination of species that, when mature, will provide a dense vegetative buffer at least 25 feet wide and 12 feet tall. Where existing natural vegetation will meet this requirement, no additional planting is required. Where there is an existing cleared opening, a vegetative buffer must be planted to sufficiently attenuate odors. This may be accomplished by planting two staggered rows of evergreen trees 10 feet apart or by a custom planting plan approved by the Commission.

Greenhouses must comply with either ventilation standards or both property line setbacks and vegetative buffer standards, depending on whether the greenhouse most resembles an indoor or outdoor space.

* + - 1. **Lighting.**
				1. Greenhouse lighting must be fully shielded between sunset and sunrise and must not illuminate exterior areas or otherwise make the greenhouse appear to glow.
1. Section 10.27,B,2 sets out restrictions on cleared openings and requirements for maintaining a well-distributed stand of trees within a buffer strip when conducting vegetative clearing activities in locations along shorelines and public roadways identified in Section 10.27,B,1. For purposes of Section 10.27,Q, the provisions of Section 10.27,B,2 shall apply to the required 100 foot vegetative buffer in the area between a proposed new or enlarged clearing within 250 feet of the shoreline and all points on the shoreline. This requirement will apply regardless of whether or not the buffer extends to the shoreline. [↑](#footnote-ref-1)
2. See Section 10.21,I,2,b for eligible locations for Category 1, 2, and 3 rural business. [↑](#footnote-ref-2)
3. Structures used for agricultural management, structures with no floor area, or features of buildings which contain no floor area such as chimneys, towers, ventilators, and spires may exceed these maximum heights with the Commission’s approval. [↑](#footnote-ref-3)