

LAND USE

100 Attachment 3

Town of Bucksport

Addendum 3

Chapter 100, Land Use

Supplemental Shoreland Vegetation Standards.

1. **Exemptions to Clearing and Vegetation Removal Requirements in Chapter 100, § 100-33G.**
 - 1.1. The activities described in Section 1 are exempt from the clearing and vegetation removal standards set forth in Chapter 100, § 100-33G, provided that all other applicable requirements of Chapter 100 are met, and the removal of vegetation is limited to that which is necessary.
 - 1.1.1. Exemption No. 1: The removal of vegetation for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas reverts back to primarily woody vegetation due to the lack of removal of vegetation at least every two years, the requirements of Chapter 100, § 100-33G, shall apply.
 - 1.1.2. Exemption No. 2: The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Chapter 100, Article IX, are not applicable.
 - 1.1.3. Exemption No. 3: The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility.
 - 1.1.4. Exemption No. 4: The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Chapter 100, § 100-49B, are met.
 - 1.1.5. Exemption No. 5: The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A. § 343-E, and that is located along a coastal wetland or a river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A. § 465-A.
 - 1.1.6. Exemption No. 6: The removal of nonnative invasive vegetation species, provided the following minimum requirements are met:
 1. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces such as pavement or gravel;
 2. Removal of vegetation within 25 feet from the shoreline occurs via hand tools; and
 3. If applicable clearing and vegetation removal standards are exceeded due to the removal of nonnative invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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- 1.1.7. Exemption No. 7: The removal of vegetation associated with emergency response activities conducted by the Maine Department of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

2. **Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

- 2.1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer, if the following requirements are met.
 - 2.1.1. If the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet within the shoreline buffer, replacement with native tree species is required unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four feet in height, and be no less than two inches in diameter. Stumps may not be removed.
 - 2.1.2. Outside of the shoreline buffer, when the removal of hazard trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above ground level in any ten-year period, and/or results in cleared openings exceeding 25% of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two inches in diameter, measured at 4.5 feet above the ground level.
 - 2.1.3. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - 2.1.4. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - 2.1.5. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight inches in diameter measured at 4.5 feet above the ground level.
- 2.2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer, if the following requirements are met.
 - 2.2.1. When the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet within the shoreline buffer, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 1. The area from which a storm-damaged tree is removed may not result in new lawn areas, or other permanently cleared areas;
 2. Stumps from the storm-damaged trees may not be removed;
 3. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom 1/3 of the tree; and

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4. If, after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every 80 square feet of lost canopy.
- 2.2.2. Outside of the shoreline buffer, native tree seedlings or saplings shall be replanted on a one-for-one basis if the removal of storm damaged trees causes any of the following to occur:
 1. More than 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above the ground level have been removed in any ten-year period; or
 2. Cleared openings exceed 25% in the aggregate of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season.

3. Revegetation Requirements

- 3.1. When revegetation is required in response to violations of the vegetation standards set forth in Chapter 100, § 100-33G, to address the removal of nonnative invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.
 - 3.1.1. The property owner must submit a revegetation plan prepared and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
 - 3.1.2. 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 preexisting vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the preexisting vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
 - 3.1.3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- 3.2. 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-year period.

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- 3.3. 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 in this Addendum for a minimum of five years.
- 3.4. 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 this Addendum for a minimum of five years.