

## **Town of Cape Elizabeth Wetland Regulations Summary**

The Town of Cape Elizabeth adopted local wetland protection regulations in 1990 that remain a model of strict local wetland protection today. The regulations are located in the Zoning Ordinance. A summary of those regulations follows.

- Sec. 19-6-9 establishes the Resource Protection Districts.

RP1 - Very poorly drained soils or obligate wetland vegetation of at least 1 contiguous acre in size.

RP1 Buffer - land from 100' to 250' upland of an RP1 wetland

RP2 - Poorly drained soils and facultative wetland vegetation of any size, and RP1 wetland conditions of less than 1 acre.

- Sec. 19-6-9 Permitted Uses Chart

This chart lists 44 activities which are permitted, require a permit or are prohibited. Activities not listed are prohibited. Prohibited activities incidental to permitted activities are permitted. Note that new street construction and new building structures are prohibited in the RP1 and RP1 Buffer.

- Except for the following uses, any wetland alteration will require a Resource Protection Permit or is not permitted.

- expansion of a nonconforming structure [limited under Sec. 19-4-5]
- forest management activities
- timber harvesting
- conservation of soil, water, vegetation, fish, shellfish, wildlife
- wilderness area, wildlife preservation and refuges
- education and scientific research and nature trails
- shellfishing and trapping
- non-intensive recreational activity including but not limited to hunting where permitted, bird-watching, duck blinds, hiking, horseback riding, swimming and trapping, provided there is no alteration of the wetland and no operation of any motorized recreational vehicles.
- maintenance of existing golf course, waterholes, municipal skating ponds, and existing agricultural ponds
- maintenance of stormwater detention basins by the Town, or by a homeowners' association as approved by the Planning Board as part of an approved subdivision or site plan
- grooming of existing residential lawns and landscaping, including the installation of fences in existing lawns
- fire prevention activities
- replacement of septic disposal system
- service drop to allowed use

- individual campsite
- home occupation and home business

- Sec. 19-8-3 This section has the standards for obtaining a Resource Protection Permit. It includes the Planning Board review process, advice from the Conservation Committee, permit submission requirements and authority for the Planning Board to establish a buffer for RP2 wetland.
- Vernal pools typically fall within the RP2 district, due to their size.