

Conservation Committee Ordinance index
(updated 11-2-2021)

Zoning Ordinance: Below is a summary of those sections in the Zoning Ordinance where reference is made to the Conservation Committee.

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| Sec. 19-2-5
p. 31 | Determination of Wetland Boundaries
Authority to determine wetland zoning boundary is delegated to the Planning Board. The Planning Board may request the Conservation Committee to "inspect the site and submit its recommendations in writing." The Planning Board and Conservation Committee may consult with "expert persons or agencies." |
| Sec. 19-4-4(B)(3)
p. 51 | Reconstruction or Replacement in the Shoreland Overlay District
The Zoning Board, in reviewing whether a structure to be relocated within the Shoreland Overlay District meets the setback to the greatest practical extent, "may request guidance from the Conservation Committee prior to its decision." |
| Sec. 19-4-4(B)(4)
p. 52 | Change of Use of a Nonconforming Structure
Within the Shoreland Overlay District, the Planning Board may allow a change of use if it decides that there is no greater adverse impact and "may request guidance from the Conservation Committee." |
| Sec. 19-7-2(D)
p. 161-164 | Open Space Design Standards
This section guides how open space is included in clustered development. The Conservation Committee may want to be familiar with these provisions. |
| Sec. 19-8-3(A)(4)
p. 217 | Resource Protection Permit Procedures
When a request for a resource protection permit is submitted to the Planning Board, the Planning Board "shall refer it to the Conservation Committee for its review and recommendation. The Planning Board must make a decision on the application within 35 days of the public hearing, within 60 days following completeness of the application if no public hearing is held, or a longer period if mutually agreed to with the applicant. |
| Sec. 19-8-3(A)(2)
p. 219 | Resource Protection Permit Submission information
The Conservation Committee Chair reviews the plan at its meeting and may request that the applicant attend a meeting of the Conservation Committee to discuss the application. |

Sec. 19-8-3(B) Resource Protection Permit Standards
These are the standards the Conservation Committee should apply when recommending if a RP permit should be issued by the Planning Board.

Sec. 19-8-3(D)(2) Wetland Restoration and Creation
p. 223 The Planning Board may review a plan for wetland restoration or creation "with advice from the Conservation Committee."

Subdivision Ordinance: The Conservation Committee is not specifically referenced in the Subdivision Ordinance. Below is a summary of several sections that relate to the less formal, but very active, role that the Conservation Committee plays in reviewing proposed subdivisions.

Sec. 16-2-4 (a)(4) Application Completeness
p. 10 Conservation Committee members should be familiar with the development review process if they would like to participate on development review in a timely manner. When Conservation Committee members look at an application, the first step is to determine if all the information needed to review the application has been submitted. If the Conservation Committee believes necessary information has been omitted, it is best to notify the Planning Board before they deem the application complete.

Sec. 16-2-4(a)(7) Public Hearing
p. 11 The Public Hearing is the most appropriate and effective time to communicate concerns to the Planning Board, although written comments can be forwarded at any time.

Sec. 16-3-1 Subdivision Review Standards
p. 18 This section contains the primary standards that the Planning Board uses to review and approve a subdivision. Please note standards (d)(9), (m), and (t).

Appendix C Tree list
p. 45 This list is used to select the trees to be planted along roadways and was completely rewritten when the Subdivision Ordinance was overhauled in 2016.

SEC. 19-8-3. RESOURCE PROTECTION PERFORMANCE STANDARDS

All activities in the Resource Protection Districts shall comply with the following performance standards as applicable:

A. Resource Protection Permit Procedures

1. Review

- a. Any activity, use or structure listed in Sec. 19-6-9, Resource Protection Districts, in a Resource Protection 1 Critical Wetland, Resource Protection 2 Wetland Protection, Resource Protection 3 Floodplain, or Resource Protection 1 Critical Wetland Buffer Overlay District listed as permitted with a Resource Protection Permit shall be permitted only if a Resource Protection Permit is obtained in accordance with this section.
- b. The Planning Board shall review the submitted application and accompanying materials. The Planning Board may require additional material that, considering the probable cost and effects of the proposed alteration, it deems necessary for a full consideration of the proposal and its effects, including more detailed plans.
- c. The Planning Board in its review of an application may require a "peer review" by a professional engineer, a botanist or other relevant expert. The cost of all such reviews, including the cost of review by the Town Engineer, shall be taken from the application's Review Escrow Account. If a Review Escrow Account has not been established pursuant to the provisions of other ordinances governing an aspect of the applicant's proposed activity, the Planning Board shall be authorized to require an applicant for a Resource Protection permit to establish a Review Escrow Account under the terms of Sec. 16-2-1.c. of the Subdivision Ordinance. Any funds not disbursed from the Review Escrow Account shall be promptly returned to the applicant upon final disposition of his or her application. (Effective November 14, 2015)
- d. The Planning Board shall process the application in accordance with the procedures established for site plan review in Sec. 19-9-4, Review Procedures.
- e. Prior to considering the application, the Planning Board shall refer it to the Conservation Commission for its review and recommendation.
- f. Within thirty-five (35) days following the public hearing if one is held or sixty (60) days following the application being determined to be complete if no hearing is held, or such longer period as may be mutually agreeable to the Planning Board and the applicant, the

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Planning Board shall render its decision to approve, to approve with conditions or to disapprove in writing, specifying the reasons thereof. Notwithstanding other provisions of this ordinance, the applicant, or any property owner entitled to notice of the public hearing, who is aggrieved by a decision of the Planning Board under this ordinance, may appeal to the Superior Court as provided by the Maine Rules of Civil Procedure.

- g. For projects reviewed under the Subdivision Regulations or the Site Plan Review Provisions, the Planning Board shall conduct a concurrent review of any past or proposed wetlands alterations within the subdivision, applying the procedures and standards of this Ordinance. Alterations to be reviewed shall include proposed public improvements and all anticipated wetlands alterations within any of the proposed individual lots or common areas.
- h. Permits shall be valid for one (1) year from the date of issue. An applicant may request an extension of the permit for an additional period of up to one (1) year. The request must be submitted prior to the expiration of the permit.

2. Submission Requirements

- a. The owner of lands in a Resource Protection District shall apply for the Resource Protection Permit by submitting to the Town Planner or the Code Enforcement Officer fifteen (15) copies of the plans for the proposed location or activity.
- b. Upon receipt of all such materials and upon payment by the applicant of fees established by the Town Council, the Town Planner shall submit the proposal to the Planning Board; the Town Planner shall also submit one (1) copy of all materials to the Chair of the Conservation Commission for its consideration and any recommendations which it deems advisable. The Conservation Commission may request that the applicant attend a meeting of the Commission to discuss the application.
- c. Unless the Planning Board waives one or more of the following requirements, applications for a Resource Protection Permit shall include the information listed below. For Resource Protection Permit applications in the Resource Protection 3 Floodplain District, the submission requirements in Sec. 6-6-3 of the Floodplain Management Ordinance shall be substituted for the list below, except that item 4 below shall also be submitted. The application shall include:

- 1. a detailed site plan for the proposed activity including a map at a scale of one (1) inch equals one hundred (100) feet showing the location, width, depth, and length of all existing and proposed

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structures, roads, wells, sewage treatment facilities, drainage facilities, and utility installations within three hundred (300) feet of the mapped wetland;

2. a topographic map showing the location and slope for all grades existing and as proposed upon the completion of the wetland alteration. Wetland areas should be mapped at no greater than one (1) foot contours, and non-wetland areas at no more than two (2) foot contours;

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3. a written description of the entire parcel of land owned by the applicant and the location of the wetland on the parcel;

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4. property locations and names of all abutting property owners;

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5. a written description of the vegetative cover of the site including dominant species, and a map indicating existing wetland vegetation as defined herein and the Wetland Upland Edge as defined by wetland vegetation. This map and accompanying materials shall be prepared by a qualified botanist or wetland specialist;

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6. a written description of the site's underlying soils and a high intensity soils map with all mapping units being no greater than one quarter (1/4) acre, indicating the boundaries of soil types, the location of hydric soils as defined herein and the Wetland Upland Edge as defined by hydric soils. This requirement shall apply notwithstanding that fill material has been placed on the site, and shall apply regardless of the depth to the underlying soils. Where fill has been placed (prior to 5/9/90) on hydric soils and then developed by construction of a principal structure on the filled land, the area of filled wetland to a maximum distance of fifty (50) feet from the principal building footprint shall be identified as filled land. This map and accompanying materials shall be prepared by a soil scientist certified by the State of Maine;

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7. in cases where there are no hydric soils or wetland vegetation, a map indicating the Wetland Upland Edge based on site-specific hydrology;

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8. the location and flow direction of all existing watercourses, ponds, or standing water present for two (2) or more months each year;

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9. a stormwater runoff plan prepared by a professional engineer showing pre- and post-development runoff patterns for both twenty-five (25) and one hundred (100) year storm events, a contour map of the wetland's watershed and proposed stormwater

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management measures including sewers, drainage ditches, conduits, catch basins, culverts and impoundment areas;

10. delineation of the building envelope within which the proposed activities will occur;

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11. the exact sites and specifications for all proposed draining, filling, grading, dredging, and vegetation removal including the amount and procedures;

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12. the purpose of the project and an explanation of why the proposed activity cannot be located at other sites, and if applicable, an explanation of how the proposed activity is dependent on wetlands or water-related resources;

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13. any mitigation measures taken to offset wetland losses;

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14. the Town Planner may require the submission of additional information, such as study of flood erosion, other hazards at the site, and the effect of any protective measures that might be taken to reduce such hazards, and other information deemed necessary to evaluate the proposed use in terms of the goals and standards of the wetlands provisions of this Ordinance.

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B. Resource Protection Permit Standards

The Planning Board shall grant a Resource Protection Permit for uses, structures and activities within Resource Protection Districts if it makes a positive finding based upon the information presented that the alteration as proposed, or with specified conditions of approval:

1. will not materially obstruct the flow of surface or subsurface waters across or from the alteration area;
2. will not impound surface waters or reduce the absorptive capacity of the alteration area so as to cause or increase the flooding of adjacent properties;
3. will not increase the flow of surface waters across, or the discharge of surface waters from, the alteration area so as to threaten injury to the alteration area or to upstream and/or downstream lands by flooding, draining, erosion, sedimentation or otherwise;
4. will not result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
5. will not pose problems related to the support of structures;

- 6. will not be detrimental to aquifer recharge or the quantity or quality of groundwater;
 - 7. will not disturb coastal dunes or contiguous back dune areas;
 - 8. will maintain or improve ecological and aesthetic values;
 - 9. will maintain an adequate buffer area between the wetland and adjacent land uses;
 - 10. will be accomplished in conformance with the erosion prevention provisions of Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission dated March, 1986, or subsequent revisions thereof;
 - 11. will be accomplished without discharging wastewater from buildings or from other construction into Wastewater Treatment Facilities in violation of Section 15-1-4 of the Sewage Ordinance; and
 - 12. will, in the case of Resource Protection Permits in the Resource Protection Floodplain District, also comply with Section 6-6-6 of the Floodplain Management Ordinance.
- In evaluating the proposed activity, the Planning Board may consult with expert persons or agencies.

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C. Resource Protection Permit Conditions

The Planning Board may attach such conditions to the granting of a Resource Protection Permit as it deems necessary to carry out the purposes of the ordinance. Such conditions may include but shall not be limited to:

- 1. establishment of a buffer between Resource Protection 2 Wetland Protection Districts and adjacent uses, structures and activities;
- 2. increases beyond two hundred fifty (250) feet in the required buffer for Resource Protection 1 Critical Wetland Districts;
- 3. limitation on the total portion of any lot or the portion of the wetland on the lot that may be graded, filled, or otherwise modified. This limitation may be linked to an overall protection policy for the particular wetland;
- 4. requirements that structures be elevated on piles or otherwise protected against natural hazards;
- 5. modification of subsurface waste disposal systems and water supply facilities;

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- | 6. imposition of operational controls and deed restrictions concerning future use and subdivision of land such as flood warnings, preservation of undeveloped areas in open space use, and limitation of vegetation removal;
- | 7. dedication of easements to protect wetlands;
- | 8. erosion control measures;
- | 9. setbacks for structures, fill deposit of spoil and other activities from the wetlands;
- | 10. modifications in project design to ensure continued water supply to the wetland and circulation of waters;
- | 11. replanting of wetland vegetation.