

CHANGES to the TOWN OF ARROWSIC SUBDIVISION ORDINANCES

April 29, 2009
(Adopted June 2009)

Strikethroughs are eliminations, underlines are new wording

Aggrieved party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Basal Area: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Canopy: the more or less continuous cover formed by tree crowns in a wooded area.

Essential services: Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of Structure: An increase in the floor area or volume of a structure including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. New stairways used solely for gaining access to a residential structure need not be considered when determining a structure's setback, providing they are no wider than four feet.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six meters tall (approximately twenty feet tall) or taller.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Height of Structure: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, and similar appurtenances, which ~~that~~ have no floor area.

High Water Line: The upland edge of land subject to tidal action during the maximum spring tide as defined by N.O.A.A. highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Along Sewell Pond, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; and along freshwater rivers and streams, the highest elevation of the bank of a channel at which the water has left a definite mark.

Minimum lot width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Net Residential Area:

- 4) Portions of the parcel located in the Resource Protection District and Special Protection District.

Residential dwelling unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

River: Any free-flowing body of water from that point at which it provides drainage for a watershed of 25-square miles to its mouth. A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

Salt Marsh: Areas along of a coastal waters wetland that (most often along coastal bays) which supports salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: Areas of a coastal wetland that which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Setback: The minimum horizontal distance from a lot line or from high water mark to the nearest part of a structure. The nearest horizontal distance from a lot line or the high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the high-water line of a stream.

Shoreline: The high-water line, or upland edge of a freshwater or coastal wetland.

Skid Trail: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest or land clearing.

Structure: Anything constructed, temporarily or permanently, the use of which requires location on the ground or attachment to something on the ground, except a boundary wall or fence. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, boundary walls and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Principal Structure (Building): The structure in which the primary use of the lot is conducted.

Accessory Structure: A structure of a nature subordinate to that of the principal structure or the primary use to which the premises are devoted.

Incidental Structure: A structure which is of no consequence in achieving or maintaining the purposes and goals of the Ordinance. Structures which need not be considered as structures for purposes of meeting the shoreland setback standard are, for example, lawn furniture, picnic tables. Structures considered significant and that require compliance with the setback and dimensional standards include, but are not limited to: decks, patios, buildings, antennas with ground contact and any structure having substantial volume, and visual impact.

Subsurface sewage disposal system: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Tidal waters: All waters affected by tidal action during the maximum spring tide.

Timber Harvesting: The cutting and removal of trees timber for the primary purpose of selling or processing forest products, from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a stream bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this ordinance, and only applies to that portion of the tributary stream located within the Shoreland, Special Protection District and/or Resource Protection Districts of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Water body: Any great pond, river, or stream, or tidal area.

Wetland: A freshwater or coastal wetland.

Coastal Wetlands: ~~All tidal and intertidal subtidal lands; lands below the high water line. All lands designated by wetland soils and vegetation including but not limited to those listed in Table II. all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service.~~

NOTE: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Fresh Water Wetlands: ~~Fresh water swamps, marshes, bogs and similar areas which are designated by characteristic wetland soils and vegetation including but not limited to those listed in Table II.~~

Freshwater wetland: freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

- 1 Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation including but not limited to those listed in Table II typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.