

- a. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a Pleasant Pond or river flowing to a Pleasant Pond, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- c. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
- d. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
- f. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

8. Timber Harvesting

- (1) Timber harvesting shall conform to the following provisions in the Shoreland District:
 - a. Within 100 feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within 75 feet of other water bodies or the upland edge of a wetland, selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at four and a half (4½) feet above ground level on any lot in any ten (10) year period is permitted provided that there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - b. At distances greater than 100 feet, horizontal distance, from the normal high-water line of a great pond or river flowing to a great pond, and at distances greater than 75 feet, of other water bodies or the upland edge of a wetland:
 1. Harvesting operations shall not create clear-cut openings greater than ten thousand (10,000) square feet in the

forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart.

2. Selective cutting of forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at four and a half (4½) feet above ground level on any lot in any ten (10) year period is allowed, provided that a well-distributed stand of trees is maintained. Clear-cut opening as permitted in paragraph b. (i) above shall be included in this calculation.
- c. No accumulation of slash shall be left within 50 feet of the normal high-water line of a water body. In all other areas slash shall be disposed of in such a manner than it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or within a wetland shall be removed.
- d. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
- e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- g. Except for water crossings, 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 strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

- h. Timber harvesting operations not in conformance with the requirements of paragraphs 2(a) and 2(b) above, may be allowed by the Planning Board upon clear showing by the applicant that such an exception is necessary for proper timber management and that such deviation from the standards is not in conflict with the purposes of this Ordinance, or in conflict with 38 M.R.S.A. Subsection 439-A (5). The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within 14 days of the Planning Board's decision.

9. Erosion and Sedimentation Control

- a. All activities, which involve filling, grading, excavation, or other similar activities, which result in, unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Planning Board for approval and shall include, where applicable, provisions for:
 - i. Mulching and revegetation of disturbed soil.
 - ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - iii. Permanent stabilization structures such as retaining walls or riprap.
- b. In order to create the least potential for erosion, development shall be designed to fit the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required and shall be avoided wherever possible and natural contours shall be followed as closely as possible.
- c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - i. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - ii. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - iii. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of stacked hay bales and/or silt fences.
- e. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a

twenty five (25) year storm or greater, and shall be stabilized with vegetation and lined with riprap.

10. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

11. Principal and Accessory Structures

Please see Dimensional Standards in the Shoreland Zone above.

- a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- b. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
- c. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the

Applicant demonstrates that no reasonable access alternative exists on the property.

12. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- a. Roads and driveways shall be set back at least one-hundred (100) feet from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body. Such techniques may include, but are not limited to,

the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

- b. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent. This paragraph shall neither apply to approaches to water crossings nor to Roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.
- c. Existing public roads may be expanded within the legal road right-of-way.
- d. Road banks shall be no steeper than a slope of two (2) horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection H.
- e. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
- f. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage, which is directed to an unscarified buffer strip, shall be diffused or spread out to promote infiltration of the runoff and to minimize channeled flow of the drainage through the buffer strip.
- g. Ditch relief (cross drainage) culverts, drainage dips and water turnout shall be spaced along the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or ditches gains sufficient volume or head to erode the road or ditch.

To accomplish this, the following shall apply:

Road Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslide from a line perpendicular to the centerline of the road.

Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

- h. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

13. Parking Areas

- a. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
- b. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
- c. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - i. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - ii Internal travel aisles: Approximately twenty (20) feet wide.

New CFMA ZONE created JUNE 4, 2008

Article 4.A

(1) Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;

8. Soil and water conservation practices	yes
9. Mineral exploration	yes ²
10. Mineral extraction including sand and gravel extraction	PB
11. Surveying and resource analysis	yes
12. Emergency operations	yes
13. Agriculture	yes
14. Aquaculture	yes
15. Principal structures and uses	
A. One and two family residential, including driveways	no
B. Multi-unit residential	no
C. Commercial	PB ⁵
D. Industrial	PB ⁵
E. Governmental and Institutional	PB ⁵
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁵
16. Structures accessory to allowed uses	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland	
a. Temporary	CEO ¹¹
b. Permanent	PB ⁵
18. Conversions of seasonal residences to year-round residences	no
19. Home occupations	yes
20. Private sewage disposal systems for allowed uses	LPI
21. Essential services	PB
A. Roadside distribution lines (34.5kV and lower)	yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB
D. Other essential services	PB
22. Service drops, as defined, to allowed uses	yes
23. Public and private recreational areas involving minimal structural development	CEO ⁵
24. Individual, private campsites	CEO
25. Campgrounds	no
26. Road construction	PB ⁵
27. Parking facilities	PB ⁵
28. Marinas	PB
29. Filling and earth moving of <10 cubic yards	yes
30. Filling and earth moving of >10 cubic yards	CEO
31. Signs	yes
32. Uses similar to allowed uses	CEO
33. Uses similar to uses requiring a CEO permit	CEO
34. Uses similar to uses requiring a PB permit	PB

²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
¹²Permit not required but must file a written "notice of intent to construct" with CEO.

(3) Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

(A) Minimum Lot Standards

	Minimum Area (sq. ft.)	Minimum Lot Shore Frontage (ft.)
Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE

- (2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- (3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

- (1) All new principal and accessory structures in the Commercial Fisheries/Maritime Activities District shall have no minimum setback.
- (2) In addition: The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
- (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, in the Commercial Fisheries/Maritime Activities District lot coverage shall not exceed seventy (70) percent.
- (5) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless

permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

D. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories

- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

E. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

F. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - (a) To provide access to structures or facilities within the zone; or
 - (b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

- (4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
- (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

Expansion of a 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.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Ground cover - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of a 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, steeples, antennas, and similar appurtenances that have no floor area.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends

no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water

level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

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.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - 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.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly 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 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.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal 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.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal 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 normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Significant River Segments - See Appendix B or 38 M.R.S.A. section 437.

Structure - 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, 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.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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..

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters – all waters affected by tidal action during the maximum spring tide.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “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 zone of the receiving water body or wetland.

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) foot) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

Town of Richmond

Section 1800

**RICHMOND KENNEBEC RIVER HARBOR & PLEASANT POND MANAGEMENT
ORDINANCE
1/2/1996**

DRAFT 2/3/08

Note

Bold = new or revised provisions

Attest: THIS IS A TRUE COPY OF THE RICHMOND KENNEBEC RIVER HARBOR AND PLEASANT POND MANAGEMENT ORDINANCE OF THE TOWN OF RICHMOND AS CERTIFIED TO ME BY THE BOARD OF SELECTMEN ON _____, FOR POSTING WITH THE TOWN WARRANT FOR THE _____ SPECIAL TOWN MEETING.

Repeal: All prior harbor ordinances including those enacted in January 1977, as amended are hereby repealed.

Severance: If any provision or clause of this Ordinance or application thereof to any person or persons is held to be invalid, such invalidity shall not effect the validity of other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end provisions of this Ordinance are declared to be severable.

Conflict: Nothing contained herein shall be construed to conflict with the lawful jurisdiction of the United States Government with respect to enforcement of navigation, shipping or anchorage and associated laws of the State of Maine.

1. SECTION 1800

RICHMOND KENNEBEC RIVER HARBOR & PLEASANT POND
MANAGEMENT ORDINANCE

Enacted: _____

Section 1801-GENERAL PROVISIONS

1801.1-Purpose. This ordinance is to establish regulations for marine activities within the Richmond Kennebec River area (herein referred to as “Harbor”) and the Pleasant Pond area (herein referred to as “Pond”) of the Town of Richmond, Maine (herein referred to as “Town”) to ensure safety to persons and property, to promote availability and use of a valuable resource, and to create a fair and efficient framework for the administration of that resource. This Ordinance shall be subordinate to existing Federal and State Laws governing the same matters and is not intended to preempt other valid Laws.

1801.2-Harbor & Pond Limits. The Town harbor is divided into two zones. Zone I shall be approximately 44.05’19” N ; 69.47’40”W from/to 44.05’04”N; 69.47’55”W the area commonly seen presently as the general mooring area. Zone II shall be the area of the river from north of 44.05’19”N ; 69.47’40”W toward the Richmond-Dresden swing bridge and the area of the river south of 44.05’04 N ; 69.47’55”W this area southerly to the Bowdoinham town line and northerly to the South Gardiner town line.

The Pleasant Pond area shall be identified as Zone 3 and shall be considered as waters off shoreland property located in the Town of Richmond.

Zone 1 is described as follows: Beginning on the northeasterly corner of Swan Island Marker Buoy #C1, westerly at magnetic compass heading 330° degrees, to the low water mark on the Richmond Shoreline, then southerly to a point of land protruding into the channel area commonly known as the “shipyard” hence easterly at magnetic compass heading 120° degrees to the low water mark on Swan Island, thence northerly along the low water mark on Swan Island to the point of beginning.

Section 1802-DEFINITIONS

1. Anchorage: Shall mean an area of a harbor set aside for the temporary anchoring of boats and vessels.
2. Auxiliary: Shall mean any vessel having both sails and either an inboard or outboard motor and which may be propelled by its sails or by its motor, or both.
3. Basin: Shall mean a naturally or artificially enclosed or nearly enclosed body of water where small craft may lie (anchor).
4. Boat: Shall mean any floating object or vessel designed for self propelled navigation on the water.
5. Commercial Vessel: Shall mean any vessel whose primary use is fishing, **charter or tourism.**

6. Headway Speed: Shall mean the minimum speed necessary to maintain steerage and control of the watercraft while it is moving.
7. Water Safety Zone: Shall mean the area of water within 200 feet from any shoreline or a designated harbor anchorage area whether the shoreline of the mainland or an island.
8. Distress: Shall mean a state of disability or a present or obviously imminent danger which, if unduly prolonged, could endanger life or property.
9. Emergency: Shall mean a state of imminent or proximate danger to life or property in which time is of the essence.
10. Float: Shall mean any floating structure normally used as a point of transfer for passengers and goods and/or for mooring purposes.
11. Mooring: ~~Shall mean any appliance used by a craft for the permanent anchoring purposes and which appliance is not carried aboard such craft when underway as regular equipment.~~ **All means of securing a vessel to a particular location other than to a pier, dock, channel marker and other than temporarily by anchor for a period of less than one week or by attaching to the shore (including out-hauls) The term includes year-round and seasonal moorings.**
12. Mooring/Permit Year: ~~Shall begin not earlier than January 1st of each year and shall terminate on that date which occurs one (1) year from the permit issuance date.~~ **Shall be on a calendar year basis from January 1st to December 30th.**
- 12.1 **Mooring Fees: Mooring fees shall be established each year by the Selectboard and the rates will be different for residents and non-residents.**
- 12.2 **Mooring Season: Shall mean May 1st through October 15th.**
13. Non-Resident: Shall mean any persons without a residence or property ownership in the Town of Richmond.
14. Resident: Shall mean any persons whose principal residence or property ownership is in the Town of Richmond; ~~or who owns property and uses that property as a residence for 60 days a year.~~
15. Riparian Owner: Shall mean an owner of a parcel of land located in the Town which borders upon a harbor, cove or inlet commonly used for mooring or anchorage of vessels.
16. Shore: Shall mean that part of the land in immediate contact with a body of water, including the area between the high and low lines.
17. Shall and May: Shall is mandatory, May is permissive.

18. State: Shall mean the State of Maine
19. Stray Vessel: Shall mean (1) an abandoned vessel, (2) a vessel of which the owner is unknown, or (3) a vessel underway without a competent person in command.
20. To Anchoring: Shall mean to secure a vessel to the bottom within a body of water by dropping an anchor(s) or other ground tackle; which is carried aboard a vessel when underway as regular equipment.
- 20.1 Anchoring in Richmond Harbor: Securing a vessel to the bottom within the confines of the Richmond Harbor with an anchor(s) or other ground tackle aboard the vessel is not permitted because of underwater utility lines from the mainland to Swan Island and because of the narrow confines of the harbor.**
21. Underway: Shall mean the condition of a vessel not at anchor, without moorings, and not made fast to the shore nor the ground.
22. Waterway: Shall mean any water area providing access from one place to another, principally a water area providing a regular route for water traffic.

Section 1803-HARBORMASTER

Under title 38 of the Maine Statutes, the municipal officers of a community are required to appoint a Harbormaster upon the request by any person desiring mooring privileges. Accordingly, the Harbormaster ~~for the Town is appoint by the Town Selectmen and he/she~~ is subject to all of the provisions of title 38 as amended. In addition, the Harbormaster for the Town shall also be subject to the following provisions.

1. The Harbormaster is to be considered the maritime agent of the Selectmen of the Town and shall have full authority for the interpretation and enforcement of all regulations affecting the Harbor and Pond areas and all other waterways, tidal and harbor areas of the Town not specifically referenced in this ordinance applicable under state and federal law.
2. The Harbormaster shall be the municipal overseer of all Town owned marine oriented equipment not specifically included within the purview of any other Town Board or Department.
3. The Harbormaster shall maintain copies of all mooring records as well as any waiting list for mooring location assignments. All official records shall be maintained permanently by the Town Office.
4. The Harbormaster shall report to the ~~Chief of Police.~~ **Town Manager.**

5. **The Harbormaster, while engaged in the exercise of his/her lawful duties hereunder, or any duties or responsibilities imposed by the State or Federal law, shall be immune from any personal liability whatsoever.**

Section 104-MOORINGS

1. All mooring locations shall be assigned by the Harbor Master. No mooring shall be placed without a written permit from the Harbor Master which authorizes placement of a mooring at a specific location. Moorings must be placed within thirty days of obtaining a permit or July First (1) of each year the permit is obtained; whichever date occurs latest in the year.
2. All permits issued hereunder shall be for a period of one (1) year, and shall be renewed by May 31st ~~each of every mooring~~ **1st each** year. Issuance of permits shall not be earlier than January 1st of each ~~mooring~~ year. There shall be no pre-payment for permits for any year proceeding the current mooring year. Payments may only be accepted for a permit applicable in that mooring year.
3. The mooring permit of any person who violates any of the provisions of these regulations contained in this ordinance may **have their mooring permit** be revoked by written notice to that effect signed by the Harbormaster.
4. The Harbormaster shall issue a written notice to all applicable permit holders who have failed to pay as of May 31st. Mooring holders shall have 14 days from the date of the written notice to make payment on the overdue permit. If payment is not received within that 14 day period, the permit holder shall forfeit all rights to his/her mooring.
5. Moorings shall be registered and numbered at all times. Mooring numbers shall be issued by the Harbormaster at the time a mooring permit is issued.
6. Mooring numbers shall be located on the top of a **“white” mooring ball with a “blue” horizontal band with 3” “black” numbers appearing on the permit and the last name of the owner of the permit.**
7. All moorings shall be subject to change in location at the owner’s expense if such change is deemed **necessary** by the Harbormaster **and** to be in the best interest of the Town and other watercraft.
8. **Abandoned Moorings:** Any mooring not used by its owner during a calendar year shall be deemed to have been abandoned. Abandoned mooring owners shall be notified in writing by the Harbor Master to remove their mooring equipment. If the mooring is not removed within two (2) weeks **of the notice**, the Harbormaster is authorized to proceed with removal of the mooring float as in Section 9 of the Article at the owner’s expense.

9. Inspection: All moorings shall be inspected every three (3) years or when deemed necessary by the Harbormaster. The inspection is to be performed **by a person/company from a list of eligible inspectors authorized by the Harbor Master. The mooring inspection shall be** at the expense of the mooring owner. The inspector will file a report with the Harbor Master ~~on stating~~ the condition of the mooring by July 1st **of the inspection year.**
10. Town Moorings: Any mooring placed by the Town **within their** ~~in any harbor under the jurisdiction. of the Town~~ **Such moorings** shall not be used for a period longer than ~~(24)~~**48 consecutive** hours by any boat or vessel, except by permission of the Harbormaster.
11. If a mooring owner refuses to move his mooring after receiving a written notice to do so, the Harbormaster is authorized (after a fourteen (14) day waiting period) to remove the mooring and the mooring float. The Harbormaster shall store the mooring and the mooring float that has been removed for up to ~~six (6)~~ **2 months at the Richmond Public Works facility.** During that period of time, the owner may reclaim the **mooring and** mooring float after payment of any expenses or fines as provided under Title 38.
12. Subletting of Mooring Space: The owner of any vessel having mooring space shall not sublet said mooring or mooring space to another user or boat owner; however, another boat owner may use the mooring, providing the original owner has requested permission from the Harbor master to moor such vessel.
13. No persons shall permit or place more than one watercraft on a mooring ~~unless such crafts do not interfere with adjacent moorings and navigation—considerations without permission of the Harbor Master. No watercraft shall be left unattended while more than one craft is moored at~~ ~~one mooring.~~
14. ~~Dinghies may not be tied astern~~ **shall be tied abreast** of a boat that is moored **in the harbor.** ~~boats for more than 24 hours.—~~ **This procedure enables for maximum swing room of the moored vessel without endangering neighboring moored boats.**
15. Harbor marker buoys, eel crates, plastic liquid containers or kegs ~~cannot are not~~ to be used as a mooring float.
16. **All mooring floats must be removed and replaced by a winter float by November 1st of each year. The mooring float should be of sufficient size to stay buoyant when attached to the ground tackle. The exposed portion of the winter-float should be painted bright orange or other noticeable color.**

Section 1805-MOORING SPECIFICATIONS

1805.1 Mooring Assignments & Waiting List

- a. Mooring privileges shall be granted on application to the Harbor Master on a first come, first serve basis. The Harbor Master may deny a Mooring Permit for any reason such as failure to pay assessed fees, transfer mooring assignment, sale of vessel, incomplete application, etc. The total number of moorings shall be specified by the Harbormaster.
- b. Within the limitations of Section 3 and 6 of Title 38, the Harbormaster is to assign mooring locations and maintain a **mooring** waiting list. ~~for mooring locations.~~
- c. When the number of applicants exceeds the number of available mooring spaces the applicants name will be placed on the waiting list until such time as a mooring space can be assigned.
- d. The waiting list shall be organized by “seniority.” Seniority shall be defined in this section as those individuals who have maintained a mooring assignment over consecutive years and shall not include any ownership of moorings over non consecutive years as a cumulative total. This provision shall not be transferable. The list shall be available for public inspection at the Town Office during regular business hours.
- e. When a mooring becomes available, individuals already assigned mooring positions will be able to move inward in order of seniority to that position if deemed appropriate or manageable by the Harbor Master. The new mooring applicant will then be able to take the available position left.
- f. All moorings shall be of sufficient size and weight with chain and rope in sound condition to properly secure the moored vessel. ~~and~~ The float attached to the mooring line shall be of sufficient size and buoyancy to remain afloat when not attached to the vessel.
- g. Moorings shall be equal or greatest in size, strength and weight than the minimum standards as set by the Harbormaster. The adequacy of each mooring set remains the responsibility of the individual boat owner. Standards set by the Town are minimum standards.
- h. **The Mooring standards are published or attached to the Richmond Mooring Application and include required mooring material and weight, ground tackle type and length, and float type and size. The Harbormaster is responsible for updating these standards as required.**

Section 1806-CHANNELS

- A. Channel Designations and Restrictions: The Board of Selectmen, from time to time, may establish channels for the passage of vessels in the harbors and waterways of the Town after due consideration of the recommendations of the Harbormaster. ~~There shall be no anchoring or mooring in any channels designated as such.~~
- B. Interference with Channel Markers: Whomever moors a vessel, boat, raft or scow to any buoy or beacon placed by the Town in any waters subject to its jurisdiction to define the channels for vessels, or in any manner make the same fast thereto, or willfully destroys any such buoy or beacon shall be liable upon complaint of the Harbormaster.

1806.1 Obstruction of Channels and Removal of Sunken Vessels

- a. It shall be unlawful to tie up or anchor a vessel in the Harbor in such a manner as to obstruct the fairways, launch ramps or channels or to prevent or obstruct the passage of other vessels; or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space, or to float loose timbers, debris, logs or piles in any channel, fairway or berthing space in such a manner as to impede navigation or cause damage to vessels therein. It is understood that wrecked or sunken vessels within a harbor are subject to the published rules and regulations of the United Coast Guard and any applicable state law rules or regulations.
- b. Whenever the navigation of any waters within the Harbor, Pond or maritime facility including anchorages and berths herein, shall be obstructed or endangered by any sunken vessel or other obstruction danger, the vessel or obstruction shall be subject to removal, sale or other disposition. The owner(s) of any such vessel or other property causing said obstruction or danger shall be liable to the Town for all costs incident to said removal and disposition, and the Town, its employees, agents, or officers shall not be liable for damages of any nature whatsoever origins out or in any way connected with removal, sale, or disposition or such vessel or other property.

1806.2 Anchoring of Vessels

- a. No person shall anchor or cause to be anchored any watercraft within the harbor limits. ~~without the permission of the Harbor Master of Zone I.~~
- b. Anchoring will be permitted within all other tidal waters (Zone II) of the Town for up to twenty-four (24) hours at the discretion of the vessels' operator. Anchorage of a vessel for more than twenty-four (24) hours will not be allowed without permission of the Harbormaster.
- c. All anchored vessels shall abide by all Federal Regulations for anchored vessels including but not limited to Day Signals and/or lights for signals, **anchor light**, etc.
- d. Buoys: No persons shall place buoys of any type **in Zone I including other than** eel pot buoys and marker buoys. ~~within the boundaries of the mooring areas established by these regulations without written permission of the Harbor Master.~~

Section 1807- GENERAL BOATING AND TRAFFIC CONTROL REGULATIONS

- A. Traffic Control Authority: The Harbor Master shall have the authority to control water borne traffic in any portion of the waters of the Harbor, Pond or maritime facility under his jurisdiction by use of authorized state regulatory markers, signals, orders or directions at any time preceding, during and after any race regatta, parade or other special event held in any portion of the waters of harbor or maritime facility or at any time when the Harbor Master deems it necessary in the interest of safety of persons and vessels or other property, and it shall be unlawful for any persons to willfully fail or refuse to comply with any authorized State regulatory marker utilized by the Harbor Master, or with any signals, orders or directions of the Harbor Master.
- B. Basic Speed Law: No person may operate a watercraft at a speed greater than "Headway Speed" while within the "Water Safety Zone" or within the Harbor Limits. **At the Harbormasters discretion "No Wake" markers may be placed in the channel.**
- C. Water Skiing: There shall be no water skiing within **Zone I.** ~~established mooring areas.~~
- D. Discharge of refuse and sewage: It shall be a violation of this Ordinance to discharge or permit the discharge into the waters of the harbor any sewage, refuse, garbage, petroleum or petroleum matter, paint varnish, timber or any other foreign matter, including dead animals, fish and bait or any other substance or matter prohibited by state or federal law.
- E. Sewage discharge in Pleasant Pond. No persons may operate a watercraft in Richmond waters with a marine toilet, shower or sink, unless waste water from the toilet, shower or sing is fed directly into a holding tank. The holding tank for sanitary and sewage waste discharge must not in any way connect to any through-hull fitting.

- G. Responsibility for Sanitation or Facilities: The Owner, Captain, lessee, agent, manager or person in charge of a vessel, facility or water area adjacent to or within the Harbor or Pond shall, at all times, maintain the premises under his charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste accumulations. Should the Harbor Master find that any vessel, facility or water area is not so maintained; he shall in writing notify said owner, lessee, agent, manager or other person in charge of said vessel, facility or area to immediately commence and diligently prosecute to completion of the necessary correction of the unsanitary condition to the satisfaction of the Harbor Master. Failure to do so with reasonable dispatch shall be a violation of this Article, and the Harbor Master may then cause the condition to be corrected and the cost of such correction shall be charged to said owner, captain, lessee, agent, manager or person in charge.
- H. All Accidents or Incidents occurring in the Boundaries of the Harbor or Pond area shall be reported, by the quickest means possible, to the Harbor Master or Richmond Police Department, who shall report them to the Harbor Master, i.e. lost or stolen equipment, property damage, vessels adrift, etc...
- I. Correcting an Unsafe Berthing: If any vessel shall be found, in the judgment of the Harbor Master, to be anchored or moored within any harbor or maritime facility in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels, persons or property, the Harbor Master shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or his authorized agent; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the facility at which the vessel is anchored or moored. In an emergency situation and in the absence of any such responsible persons, the Harbor Master shall forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by the Town of Richmond in effecting such correction.
- J. Removal and Custody of Illegally Berthed, Moored or Abandoned Vessels: If any unattended vessel shall be found to be anchored or moored illegally within a harbor or maritime facility, or if the Harbor Master has reasonable grounds to believe that a vessel has been abandoned within the Richmond Harbor or maritime facility, the Harbor Master may assume custody of such vessel and cause it to be removed held or placed in storage. The Town or its officials shall not be held liable to its owners before or after assuming custody. Vessels so taken into custody shall be released to the owner by the Town Manager only after satisfactory proof of ownership has been presented and full reimbursement made to the Town for all costs incident to recovery, movement, and storage.
- K. Damage to Harbor or other Property: It shall be unlawful to willfully or carelessly destroy, damage, disturb or interfere with any public or private property in the harbor area.

- L. Tampering with or Boarding Vessels without Permission: It shall be a violation of the this Ordinance for any person to willfully board, break in, enter, damage, move or tamper with any vessel or part thereof located within the harbor unless authorized by the rightful owner of such vessel. Any persons violating this provision shall be responsible to the rightful owner of any such vessel for any damages caused by such violation and to the reasonable cost of any fees necessarily incurred as a result thereof.
- M. Obstruction of Facilities: It shall be a violation of this Ordinance for any persons to willfully prevent any other person from the use and enjoyment of public facilities.
- N. Any warnings, verbal, or written summons, for any violation of federal, state, local marine rules, regulations, laws or ordinances may result in the suspension or revocation of mooring and/or launching privileges in the Town of Richmond by the Harbor Master.

Section 1808-PUBLIC FLOATS, DOCKS & LANDINGS

- A. The Town maintains Public Floats, Docks and Landings in the area currently identified as the “Waterfront Park.”
- B. Except with the permission of the Harbor Master no person shall tie or cause to be tied a water craft to the Public Floats for a period of time exceeding two (2) hours within a 24 hour period.
- C. Obstructing docks and walk ramps with mooring lines, equipment, etc., is strictly prohibited. Dinghies at reasonable lengths determined by the Harbor Master may be left tied to the inside of the Public Floats.
- D. No person shall store fishing gear or waste materials on the Public Floats at any time. Materials may be loaded and unloaded only.
- E. No person shall engage in swimming from the Public Floats or from water craft tied to the Floats.
- F. Fishing may be permitted only by the Harbor Master during “off peak” docking times.
- G. No persons including any owner/operator of any craft shall process or permit to be processed any seafood or fish products on the Town Floats.
- H. Launch Ramps: Motor vehicles are not to be left unattended on or near launch ramps. All motor vehicles ~~are to~~ must be parked ~~only~~ in designated areas and motor vehicle operators are to comply with all parking regulations as posted by the Town of Richmond

Section 1809-LIABILITY

- A. **Boat Owner:** Any persons using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss to his property. The Town assumes no risk on account of fire, theft, Act of God or damages of any kind to vessels within the harbor or maritime facility.
- B. **Secure Berthing and Anchoring of Vessels:** The owner of any vessel moored or anchored within the Richmond Harbor or maritime facility shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall, thereafter, provide for periodic inspection maintenance, replacement and adjustment of anchor, mooring, or tie lines at intervals as specified by the Harbormaster or previous Articles.
- C. **Unseaworthy Vessels Prohibited in Harbor:** A person shall not moor or permit to be moored, in any harbor, a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats, or other vessels or which may become a menace to navigation, except in cases of emergency with permission of the Harbormaster.
- D. Each day such violation continues to exist shall constitute a separate offense. Any law enforcement officer vested with the authority to carry a weapon and make arrests shall have the authority to enforce this Ordinance.
- E. **The Harbormaster, while engaged in the exercise of his/her lawful duties hereunder, or any duties or responsibilities imposed by the State or Federal law, shall be immune from any personal liability whatsoever.**

Section 1810-APPEALS

- A. Any person adversely affected by a decision of the Harbormaster may appeal to the **Town of Richmond Appeals Board**.
- B. Any persons adversely affected by a decision of the Appeals Board may appeal to the Selectmen, whose decision is final.

Given under our hand this ~~10th~~ day of ~~January, 1996~~ **2008**

TOWN OF RICHMOND SELECTMEN

Certified:

I hereby certify that this ordinance became effective on
~~January 10, 1996~~ _____, **2008**

At a Special Town Meeting held at the ~~Marcia Buker School~~ _____

Signature

Date

Standards for Constructing a Permanent Mooring

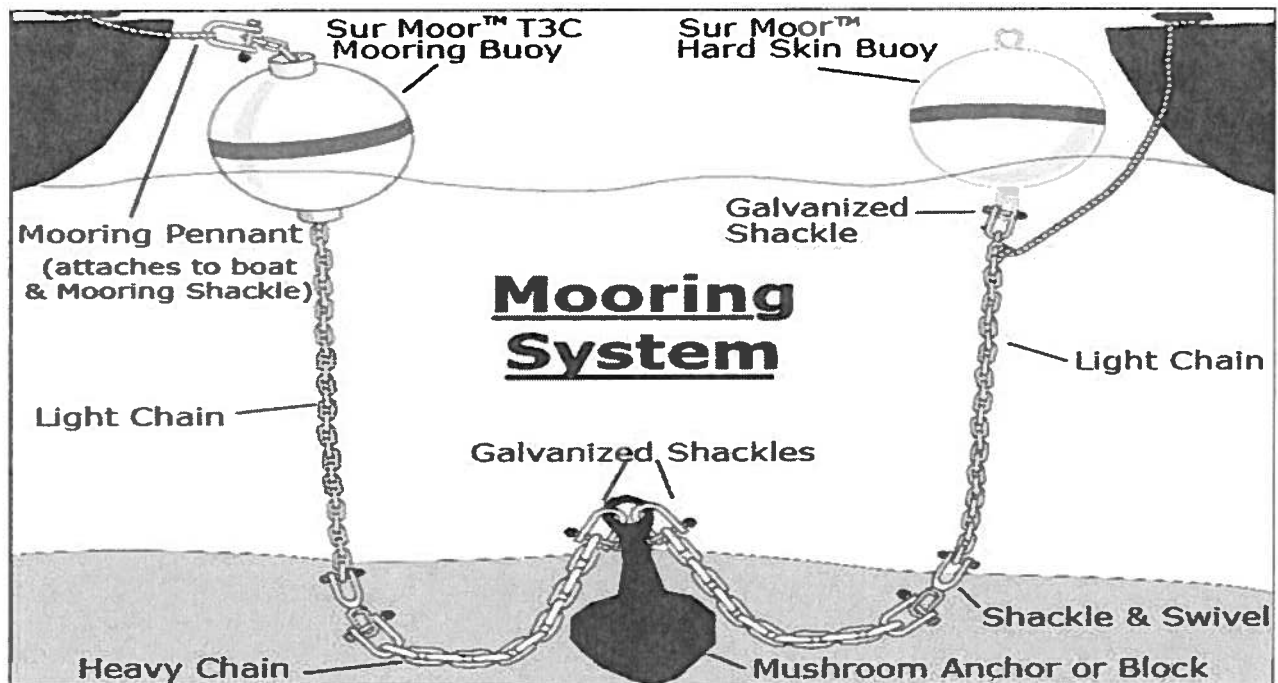
Prepared By The Richmond, Maine Waterfront Committee

February 4, 2008

A permanent mooring must remain secure for long periods while unattended, occasionally under adverse conditions. For peace of mind, it should be properly sized for the job. Below are the minimum components and standards.

Mooring: The most common type of mooring anchor is the mushroom, which, under ideal conditions, can dig in, create suction and develop good holding power. A weight of 10 times boat length is a good rule of thumb. The heavier the better, as long as you don't have to move it. Heavy objects like concrete blocks can't dig in, so their weight should be more than needed. For boats less than 25' in length the mooring should weigh 200 lbs. For boats greater than or equal to 25' a mooring weight of 10 times the boat length is necessary. Please remember that the Richmond Harbor has a strong current, therefore a properly sized mooring and ground tackle is necessary to protect your boat and other boats in the harbor.

Chain: Chapman's recommends two sections of galvanized chain: a heavier, primary chain and a lighter, secondary chain. The primary (ground) chain lies on the bottom. Its length should be 1 1/2 times maximum water depth. The secondary (riding) chain is connected to the ground chain with a galvanized shackle or swivel. It's usually half the size of the ground chain and equal in length to maximum water depth. The heavier chain is not used for the entire run so that the mooring buoy does not have to support an excessive amount of weight. Chain should be as large as possible-make the riding chain at least double the size of the chain on your anchor rode.



Buoy: The buoy must have about twice as much flotation as the suspended chain has weight in order for it to ride high enough in the water to be visible. The Taylor T3C buoys on this page allow you to pass the chain through the center of the buoy, and attach the pennant on top. The buoy should be white with a blue band at the waterline and also have 3" black letters of the last name of the permit holder and the identifying permit number on top of the buoy.

Pennant: The pennant attaches the chain to the boat. Large-diameter 3-strand nylon line is used because its inherent elasticity allows it to act as a shock absorber. Polyester line is preferred by some for better chafe resistance. Length should be about 2 1/2 times freeboard (vertical distance from the water to the bow deck). Diameter should be as large as is practical-it must be able to fit through bow chocks and around a bow cleat. Chafe protection is recommended for the point where the pennant passes through a chock. A light pick-up buoy at the eye of the pennant makes it easy to pick-up the pennant when approaching the mooring system.

APPENDIX A-5
FEMA Flood Information



APPROXIMATE SCALE



ELEVATION REFERENCE MARKS

REFERENCE MARK	ELEVATION IN FT. (NGVD) ¹	DESCRIPTION OF LOCATION
RM 5	147.68	Chiseled notch in top of steel guardrail post between two culverts on south edge of State Route 197 at Abagadasset River.
RM 6	138.71	Lag bolt approximately 1 foot above ground in power pole NET+TEC 16/14, on west side of Carding Machine Road, approximately 0.6 mile south of intersection with State Route 197.
RM 7	70.11	Chiseled square in highest steel step of lift station approximately 45 feet south of State Route 197 and approximately 40 feet east of Baker Brook.
RM 8	24.992	USGS standard tablet stamped TT 85 H0 1940 25 set in northwest wing wall of State Route 197 bridge over Kennebec River.
RM 9	42.33	Richmond, chiseled square, painted yellow, on top of upstream southwest concrete headwall of the Maine Central Railroad culvert on Mill Brook.
RM 10	20.44	Chiseled square, painted yellow, on top of upstream northwest wing wall of State Routes 24 and 197 culvert on Mill Brook.
RM 11	30.892	USGS standard tablet stamped BH 31 set of vertically in face granite and brick building, located at northwest corner of State Route 24 and State Route 197 (Main Street) intersection.
RM 12	85.272	USGS standard tablet stamped T 30 1955, set in top of concrete post flush with ground, located along Maine Central Railroad, approximately 0.5 mile south-east of Richmond, approximately 128 feet north of milepost P 94-V 207, approximately 20 feet north of north rail and approximately 4 feet southwest of pole.

¹ National Geodetic Vertical Datum of 1929

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
RICHMOND,
MAINE
SAGADAHOC COUNTY

PANEL 15 OF 15

(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY - PANEL NUMBER
230121 0015 C

MAP REVISED:
JANUARY 7, 1998



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

APPENDIX A-6
Historic Tidal Data

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Ocean Service

Datums Page

Page 1 of 5

Station ID: 8417208	PUBLICATION DATE: 02/27/2006
Name: RICHMOND, KENNEBEC RIVER MAINE	
NOAA Chart: 13298	Latitude: 44° 5.3' N
USGS Quad: GARDINER	Longitude: 69° 47.9' W

FROM I-295, PROCEED NORTH ON I-295 TO EXIT 43 STATE ROUTE 197 (RICHMOND), PROCEED EAST ON STATE ROUTE 197 FOR 5.6 KM (3.5 MI) TO STATE ROUTE 24, CONTINUE NORTH (TURN LEFT) ON STATE ROUTE 24 FOR 50 YARDS TO THE SWANN ISLAND BOAT LANDING ON THE RIGHT. THE BENCH MARKS ARE LOCATED IN THE FORT RICHMOND CITY PARK, THE OLD POST OFFICE BUILDING, AND THE WATER COMPANY BUILDING. THE TIDE GAGE IS LOCATED ON A FLOATING BULKHEAD AT THE SWANN ISLAND BOAT LANDING.

T I D A L B E N C H M A R K S

PRIMARY BENCH MARK STAMPING: 7208 A 2005
DESIGNATION: 841 7208 A

MONUMENTATION:	Tidal Station disk	VM#: 17924
AGENCY:	National Ocean Service (NOS)	PID:
SETTING CLASSIFICATION:	Pier foundation	

The primary bench mark is a disk set in the concrete foundation of the removable pier located at the Swann Island tour passenger pick-up, 28.79 m (94.5 ft) south of the utility pole, 6.00 m (19.7 ft) east of the removable pier platform, and 2.38 m (7.8 ft) NNE of the south corner of the bulkhead.

BENCH MARK STAMPING: MARCH 2 1896 FLOOD MARK
DESIGNATION: 841 7208 FLOOD MARK

MONUMENTATION:	Bench Mark disk	VM#: 17920
AGENCY:		PID:
SETTING CLASSIFICATION:	Brick wall	

The bench mark is a disk set in the brick wall of the Richmond Water Company building located on Front Street, 17.00 m (55.8 ft) west of the east corner of the parking lot in the rear of the building, 15.35 m (50.4 ft) north of the south corner of the parking lot, 6.69 m (22.0 ft) south of the east corner of the Richmond Water Company Building, and 1.70 m (5.58 ft) above ground level.

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Ocean Service

Page 2 of 5

Station ID: 8417208 PUBLICATION DATE: 02/27/2006
Name: RICHMOND, KENNEBEC RIVER
MAINE
NOAA Chart: 13298 Latitude: 44° 5.3' N
USGS Quad: GARDINER Longitude: 69° 47.9' W

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: 7208 B 2005
DESIGNATION: 841 7208 B

MONUMENTATION: Tidal Station disk VM#: 17921
AGENCY: National Ocean Service (NOS) PID:
SETTING CLASSIFICATION: Concrete monument

The bench mark is a disk set in a concrete monument located in Fort Richmond Park near the water's edge, 27.41 m (89.9 ft) south of the south corner of the Richmond Water Company building, 20.77 m (68.1 ft) SE of the bottom step leading into the park, and 8.42 m (27.6 ft) NW of the NE corner of the walkway to a floating dock.

BENCH MARK STAMPING: 7208 C 2005
DESIGNATION: 841 7208 C

MONUMENTATION: Tidal Station disk VM#: 17922
AGENCY: National Ocean Service (NOS) PID:
SETTING CLASSIFICATION: Concrete walkway

The bench mark is a disk set in the concrete walkway for a floating dock located at teh NE corner of the Fort Richmond Park parking lot, 50.27 m (164.9 ft) SE of the entrance to Fort Richmond Park, 36.46 m (119.6 ft) south of the flag pole, and 34.66 m (113.7 ft) ENE of the NE corner of the Richmond Contract Manufactory Company.

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Ocean Service

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Station ID: 8417208 PUBLICATION DATE: 02/27/2006
Name: RICHMOND, KENNEBEC RIVER
MAINE
NOAA Chart: 13298 Latitude: 44° 5.3' N
USGS Quad: GARDINER Longitude: 69° 47.9' W

T I D A L B E N C H M A R K S

BENCH MARK STAMPING: 31
DESIGNATION: 31

MONUMENTATION: Survey disk VM#: 17923
AGENCY: US Coast and Geodetic Survey (USC&GS) PID#: FE1169
SETTING CLASSIFICATION: Wall

The bench mark is a disk set in the concrete wall of the Old Post Office, 14.40 m (47.2 ft) NNW of the centerline of Route 24 (Front Street), 7.24 (23.8 ft) SE of the SW corner of the building, and 16.70 m (54.8 ft) west of the handicap ramp.

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Ocean Service

Page 4 of 5

Station ID: 8417208	PUBLICATION DATE: 02/27/2006
Name: RICHMOND, KENNEBEC RIVER MAINE	
NOAA Chart: 13298	Latitude: 44° 5.3' N
USGS Quad: GARDINER	Longitude: 69° 47.9' W

T I D A L D A T U M S

Tidal datums at RICHMOND, KENNEBEC RIVER based on:

LENGTH OF SERIES:	3 MONTHS
TIME PERIOD:	August 2005 - October 2005
TIDAL EPOCH:	1983-2001
CONTROL TIDE STATION:	8418150 PORTLAND, CASCO BAY

Elevations of tidal datums referred to Mean Lower Low Water (MLLW), in METERS:

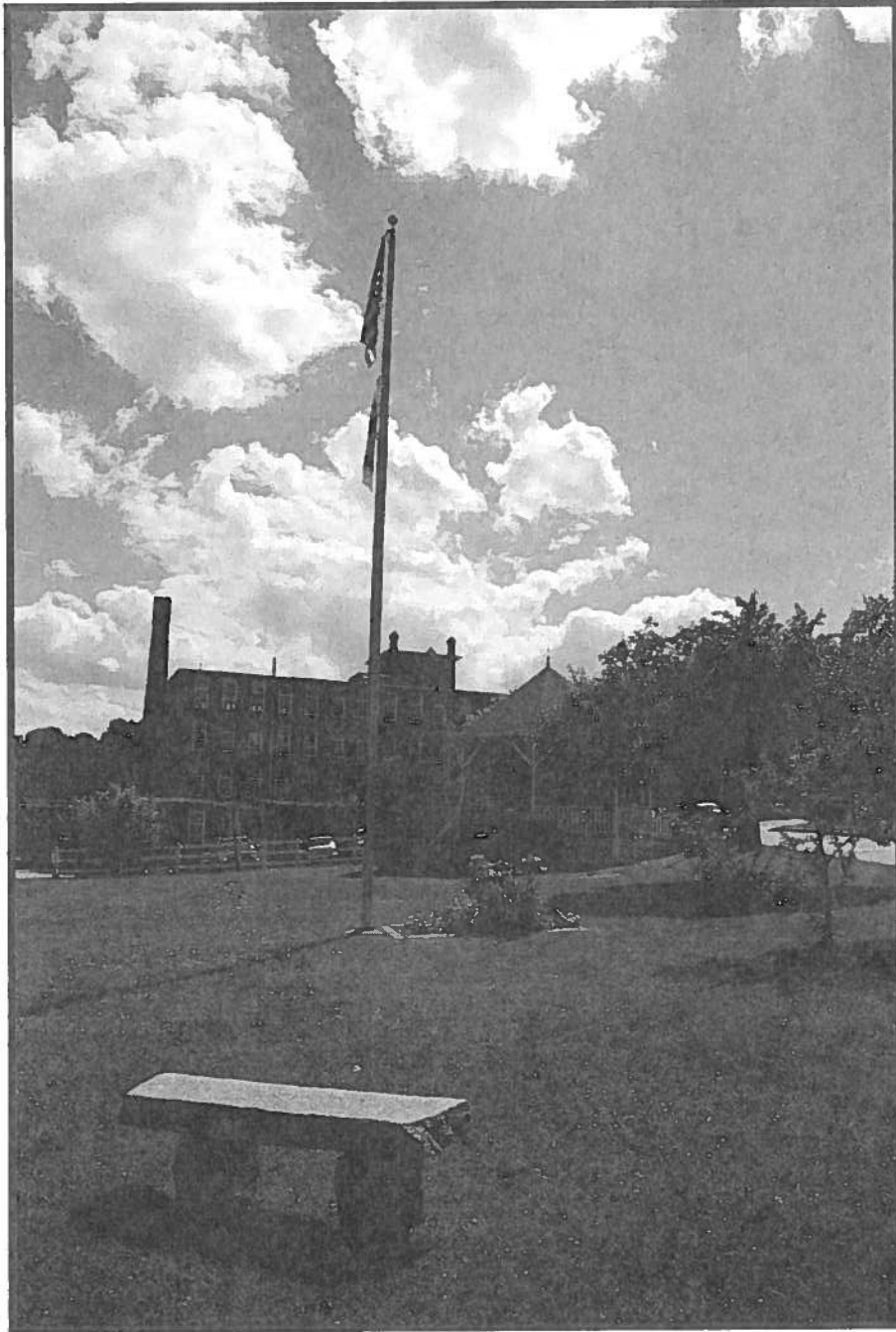
MEAN HIGHER HIGH WATER (MHHW)	=	1.765
MEAN HIGH WATER (MHW)	=	1.667
MEAN SEA LEVEL (MSL)	=	0.904
MEAN TIDE LEVEL (MTL)	=	0.861
MEAN LOW WATER (MLW)	=	0.055
MEAN LOWER LOW WATER (MLLW)	=	0.000

National Geodetic Vertical Datum (NGVD 29)

Bench Mark Elevation Information In METERS above:

Stamping or Designation	MLLW	MHW
7208 A 2005	2.339	0.672
MARCH 2 1896 FLOOD MARK	5.570	3.903
7208 B 2005	2.794	1.127
7208 C 2005	2.861	1.194
31	9.786	8.119

U.S. DEPARTMENT OF COMMERCE



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Topsham, ME 04086

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