

Chapter 102: STANDARD CONDITIONS OF APPROVAL

SUMMARY: All projects approved within the corridor must conform to a general set of standards related to vegetation removal, erosion control, beaches, driveways, and compliance with all associated federal, state, and local laws.

1. Scope.

The following Standard Conditions shall apply to all permits and variances issued by the Saco River Corridor Commission, unless otherwise stated in the permit or variance, or in the Special Conditions attached thereto.

2. Standard Conditions of Approval.

- A. The applicant shall take all necessary measures consistent with this permit to ensure that his/her activities or those of his/her agents do not result in significant erosion of soils of the site during construction and operation of the project covered by this approval.
- B. On waterfront property within the Corridor, in order to assure that there is protection of water quality and wildlife habitat and to avoid any unreasonable visual impacts associated with development, there shall be no removal of live trees or other vegetation in the area within 75 horizontal feet of the normal high water line, except as follows:
 - (1) A footpath not to exceed six feet in width as measured between tree trunks may be established, provided that the path meanders and does not create a cleared line of site to the water.
 - (2) Selective cutting of trees within the buffer strip may be undertaken provided that a well distributed stand of trees and other vegetation is maintained. In no instance shall trees be removed where such removal would result in less than 3 trees in any 20 x 20 foot (400 square foot) area. Pruning of tree branches on the bottom 1/3 of the tree is permitted, as is the removal of dead, diseased or storm-damaged trees if such trees create a safety hazard to persons or property. These provisions notwithstanding, in no instance shall there be removal of more than 40% of the total volume of trees four inches or more in diameter, as measured at 4 ½ feet above ground level, in any ten year period.
 - (3) Existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath as described above, or unless the applicant has applied for and received additional approval from the Commission to develop access for other permitted uses requiring access to the water.
 - (4) The applicant shall also check into local shoreland zoning requirements regard-

ing clearing in the shoreland zone and shall comply with all State and local standards in addition to those outlined above. Where there is a conflict among such standards, the more restrictive provisions shall apply.

- C. The applicant shall not create a beach, build a dock or otherwise alter the shoreline unless in compliance with the Act. Any docks, piers or floats in the fresh-water areas of the Corridor must be constructed or installed so that they are temporary and capable of seasonal removal and so that they do not extend more than 10% of the width of the river at any time or extend into the water more than 10 feet perpendicular to the shore, whichever is less.
 - D. No paths, stairs, roads or other means of access to the waterfront, except as specified in this permit, shall be developed or constructed without application for and receipt of additional approval from the Commission.
 - E. Except as specifically provided in this permit, there shall be no paving of driveways, paths or roadways, and no deposit of materials and no excavating or earthmoving on the property without application for and receipt of additional approval from the Commission.
 - F. Except as otherwise provided in a Special Condition, all construction, including all necessary erosion control measures, shall be completed within two years of the date of this permit. If all work is not completed within the two-year period, the applicant must apply for and obtain a time extension or new permit.
 - G. Upon completion of the project, the applicant shall so notify the Commission. Commission staff may check the site at any reasonable time for compliance with the terms and conditions of this approval.
 - H. Work done by a contractor pursuant to this permit shall not begin until the contractor has been provided with a copy of this permit.
 - I. Should the project be found, at any time, not to be in compliance with any of the conditions of this approval, or should the applicant construct or operate this development in any way other than specified in the application or supporting documents, or as specified in supporting testimony or evidence given at the administrative proceeding before the Commission, as modified by the conditions of this approval, then this approval shall be considered to have been violated.
 - J. The applicant shall comply with all other applicable Federal, State, and Local laws, ordinances and regulations and shall apply for and obtain all other necessary licenses, permits or approvals prior to the commencement of the activity requiring such licenses, permits or approvals.
 - K. This permit is limited to and includes the proposals and plans contained in the application and supporting documents, as modified by the written decision of the Commission, including any conditions. Any variations from the plans and proposals submitted by the applicant are subject to the review and approval of the Commission prior to implementation.
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STATUTORY AUTHORITY:38 M.R.S.A. Section 954-C.

EFFECTIVE DATE:

January 30, 2006 – filing 2006-39