

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, and driveways and must comply 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 on the site during construction and operation of the project covered by this approval.
- B. On waterfront property within the Saco River 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 or mean high water line, except as follows:
 - (1) A walkway for public use, running parallel to the water body and not to exceed ten feet in width, may be approved pursuant to an application and issuance of a permit. The walkway should be of natural and well-drained material. Impervious surfaces may be allowed in special circumstances. This standard will only apply in areas designated as a General Development District prior to September 1, 1983, unless the pertinent municipal ordinance is more restrictive.
 - (2) A footpath not to exceed six feet in width as measured between tree trunks may be established, with the issuance of a permit, provided that the path meanders and does not create a cleared line of sight to the water.
 - (3) 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 fewer than three trees in any 20 x 20 foot (400 square foot) area. Pruning of tree branches on the bottom one-third 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 four and a half feet above ground level, in any ten-year period.

- (4) Existing vegetation under three feet in height and other groundcover 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.
 - (5) The applicant shall consult local shoreland zoning requirements regarding 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 it is in compliance with the *Saco River Corridor Act*. Any docks, piers, or floats in the freshwater 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 the 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; 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. This permit shall be considered to be in violation if the project is found, at any time, not to be in compliance with any of its conditions of approval, or if the applicant constructs or operates this development in any way other than as specified in the application, supporting documents, or evidence given at the administrative proceeding before the commission, as modified by the conditions of this approval.
 - J. The applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations and shall apply for and obtain all 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.

- L. The applicant must record this permit with the Registry of Deeds within 90 days of the issuance of the permit, and this record must be transferred or included with all future conveyances of the property. The applicant must provide a receipt of the record to the commission within 90 days of the issuance of the permit.
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STATUTORY AUTHORITY: 38 M.R.S.A. Section 954-C.

EFFECTIVE DATE:

January 30, 2006 – filing 2006-39

AMENDED:

July 1, 2019 – filing 2019-106