

3.11.3.2.1.2.1.1 Adjacent to other streams, outlet streams, tributary streams, and wetlands a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25 foot by 50 foot rectangular area.

3.11.3.2.1.2.1.2 As an example, adjacent to a great pond and associated wetlands, if a 25 foot by 50 foot plot contains 4 trees between 2 and 4 inches in diameter, 2 trees between 4 and 8 inches in diameter, 3 trees between 8 and 12 inches in diameter, and 2 trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

3.11.3.2.1.2.1.2.1 Thus, the 25 foot by 50 foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no clear openings are created.

3.11.3.2.1.2.1.3 The following shall govern in applying this point system:

- A. The 25 foot by 50 foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer.
- B. Each successive plot must be adjacent to, but not overlap a previous plot.
- C. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance.
- D. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance.
- E. Where conditions permit, no more than 50% of the points on any 25 foot by 50 foot rectangular area may consist of trees greater than 12 inches in diameter.

3.11.3.2.1.2.2 Maintaining "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25 foot by 50 foot rectangle area. If 5 saplings do not exist, no woody stems less than 2 inches in diameter can be removed until 5 saplings have been recruited into the plot.

3.11.3.2.1.2.2.3 Notwithstanding the above provisions, no more than 40% of the total volume of trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any 10 year period.

3.11.3.2.1.3 In order to protect water quality and wildlife habitat existing vegetation under 3 feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Sections 3.11.3.2.1 and 3.11.3.2.1.1.1.

3.11.3.2.1.4 Pruning of tree branches on the bottom or third of the tree is allowed.

3.11.3.2.1.5 In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

3.11.3.2.1.6 There shall be no cutting or removal of vegetation within the strip of land extending 75 feet inland from the high-water line of a great pond and associated wetlands, except to remove safety hazards specifically identified and marked by a Maine licensed forester. {38 § 439-A(6)(B) and DEP §§ 15 O(1)(a)(v) & P(1)} [Resource Protection Area]

3.2.2 At distances greater than 100 feet from the shoreline of a great pond and 75 feet from any other shoreline, there shall be allowed on any lot, in any 10 year period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. {DEP § 15 P(3)} [Shoreland Overlay Zone]

3.11.3.2.2.1 The cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized and the removal of safety hazards specifically identified and marked by a Maine licensed forester. {DEP §§ 15 O(1)(a)(v) & P(1)} [Resource Protection Area]

3.11.3.2.2.2 In no event shall cleared openings in the portion of a lot within the Shoreland Overlay Zone for any purpose, including but not limited to, principal and accessory structures, driveways and wastewater disposal areas, exceed in the aggregate, 25% of the lot area within the Shoreland Overlay Zone, or 10,000 square feet, whichever is greater, including land previously cleared. {DEP § 15 P(3)}

3.2.3 Clearing or removal of woody vegetation necessary for a new subsurface wastewater disposal system and any associated fill extensions shall not extend closer than 75 feet from the high-water line of a great pond, stream, outlet stream or the upland edge of a wetland. {DEP § 5 K}

3.2.4 Legally existing nonconforming cleared openings on March 24, 1990 may be maintained, but shall not be enlarged, except as allowed by Section 3.11.3.2. {DEP § 15 P(4)}

3.2.5 Fields and other cleared openings that have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 3.11.3.2. {DEP § 15 P(5)}

If you have any questions or need guidance contact:

Town of Boothbay  
Code Enforcement  
(207)633-2192

OR

State of Maine  
Shoreland Zoning  
(207)287-3901

**ALL WORK IN  
THE SHORELAND  
ZONE REQUIRES  
A PERMIT!**



Town of Boothbay

Homeowner's Guide to Vegetation  
Removal in the Shoreland Zone

Excerpts from the State of Maine Handbook for Shoreland Owners:  
(Boothbay Zoning Ordinance supersedes these guidelines when more restrictive than state standards)

## CLEARING VEGETATION (OTHER THAN FOR COMMERCIAL TIMBER HARVESTING)

### Clearing Vegetation in Buffer Areas

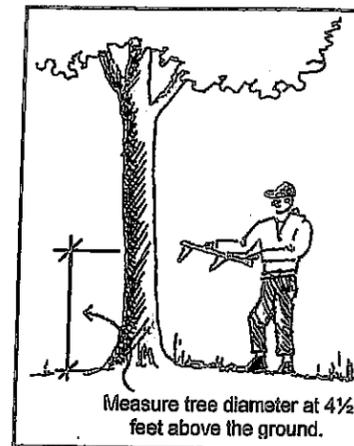
The shoreland zoning law prohibits any vegetation removal within the 75-foot buffer area around a great pond that is zoned for resource protection, except to remove safety hazards.

In all other shoreland areas, no more than 40% of the total volume of trees over 4 inches in diameter in the buffer area may be harvested in any 10 year period. Furthermore, vegetation less than 3 feet in height, including ground-cover, cannot be removed from shoreland buffers. Pruning the lower third of the branches of a tree within the buffer is allowed.

Within 100 feet of great ponds and rivers flowing into great ponds, and within 75 feet of all other water bodies and streams:

- no opening in the forest canopy may exceed 250 square feet;
- a winding footpath not more than 6 feet wide is allowed,
- selective cutting is allowed, provided a well-distributed stand of trees remains.

The standards establish a rating system which defines a "well-distributed stand of trees." Within the buffer area, the property owner must maintain a minimum number of "points" worth of trees within any 25-foot by 50-foot area, and at least 5 saplings. Twenty-four points worth must be maintained adjacent to great ponds and rivers flowing to great ponds, and 16 points worth must be maintained elsewhere. Points are assigned to trees, depending on their size. The following table shows how points are assigned.

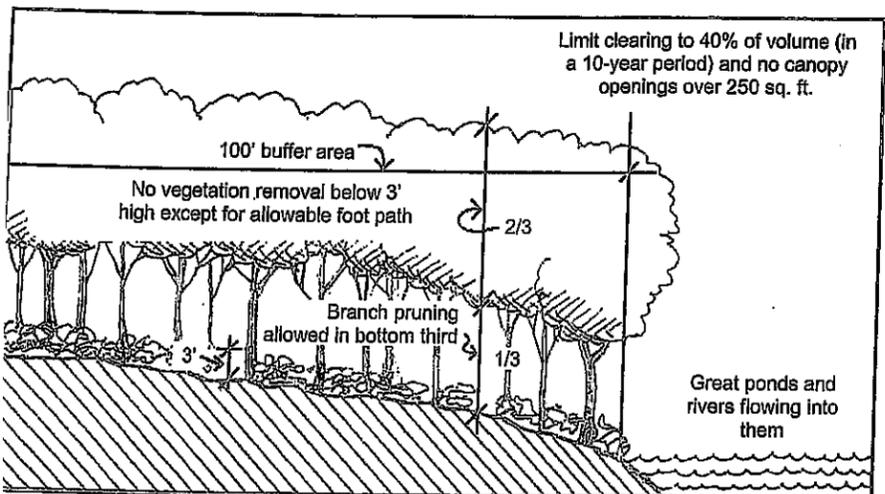


Measure tree diameter at 4 1/2 feet above the ground.

Diameter	Points
Under 2"	0
2" to < 4"	1
4" to < 8"	2
8" to < 12"	4
12" or greater	8

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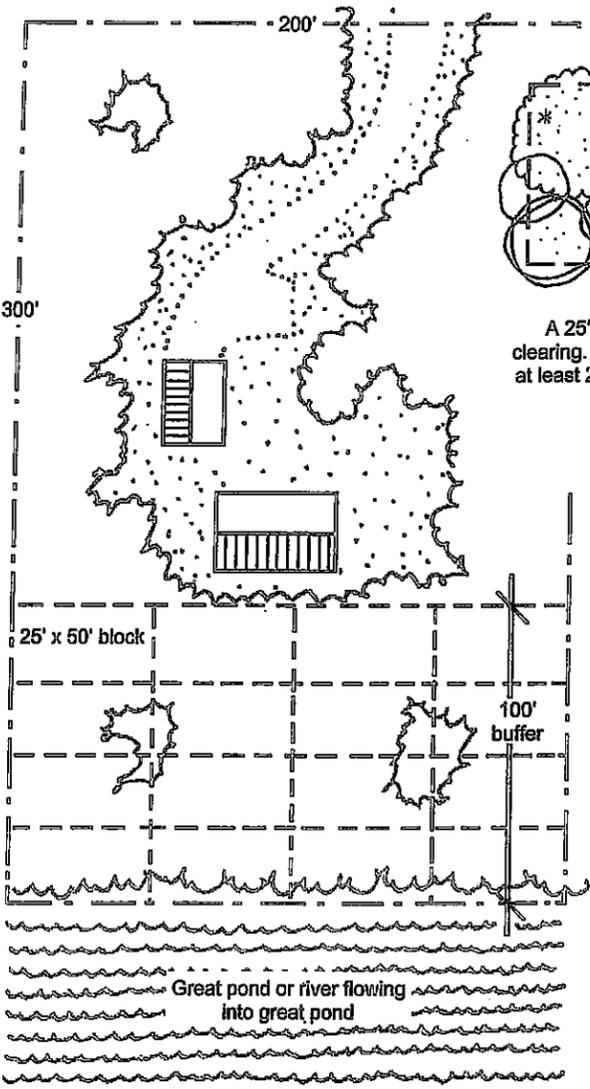
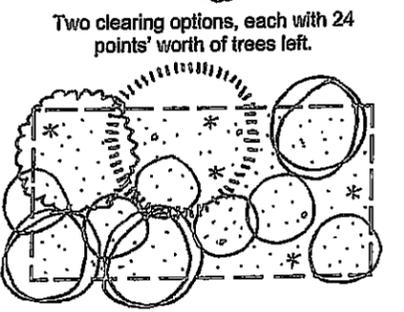
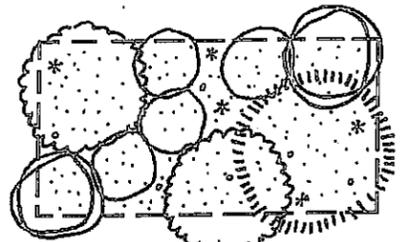
**Typical Buffer in a Residential Zone:**



Clearing Limitations within 100-foot Buffer

KEY	
Vegetation/Size	Symbol
Stump (0 points)	•
Under 3 ft. high (0 points)	•••••
Saplings to < 2" diameter (0 points)	*
Trees 2" to < 4" diameter (1 point)	○
Trees 4" to < 8" diameter (2 points)	⊖
Trees 8" to < 12" diameter (4 points)	⊗
Trees over 12" diameter (8 points)	⊙

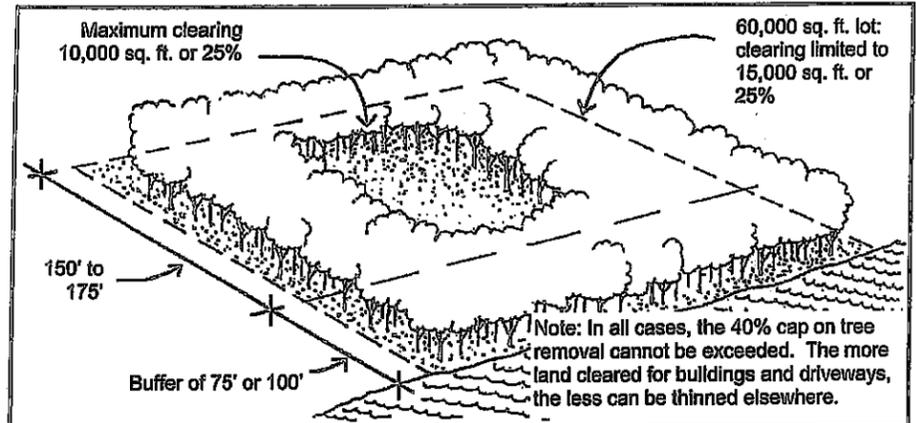
any 25' x 50' area within the 100' buffer must contain at least 24 points plus 5 saplings and all vegetation under 3' high. Whenever possible, no more than half of the points counted toward the 24-point threshold within any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.



ALL WORK IN THE SHORELAND ZONE REQUIRES A PERMIT!

**Clearing Beyond the Shoreland Buffer**

Beyond the 75 foot or 100 foot buffers mentioned above, clearing is also limited to no more than 40% of the volume of trees over 4 inches in diameter within a 10 year period. This means that the more land that is cleared for buildings, lawn, and driveways, the less can be thinned elsewhere. Further, cleared openings cannot exceed 25% of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater. (Note: this 25% provision does not apply in the General Development or Commercial Fisheries/Maritime Activities districts)



**Excerpts from the Town of Boothbay Zoning Ordinance:**

**3.11.3 Clearing or Removal of Vegetation for Activities other than Timber Harvesting (DEP § 15 P)**

**3.11.3.1 General** All clearing of trees shall be in accordance with the Best Management Practices. Ground water runoff buffers as required in Section 3.11.2 shall be maintained.

**3.11.3.2 Shoreland Overlay Zone and Watershed Overlay Zone**

**3.11.3.2.1** Except to allow for the development of permitted uses and the removing of safety hazards specifically identified and marked by a Maine licensed forester, a buffer strip of vegetation shall be preserved within a strip of land extending 100 feet from the shoreline of a great pond and 75 feet from any other shoreline, as follows: {38 § 439-A(6) and DEP §§ 15 O((1)(a)(v) & P(2))}

**3.11.3.2.1.1** There shall be no cleared opening or openings greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown.

**3.11.3.2.1.1.1** A footpath not to exceed 6 feet in width as measured between tree trunks or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

**3.11.3.2.1.2** Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained.

**3.11.3.2.1.2.1** A "well-distributed stand of trees" adjacent to a great pond or a stream flowing to a great pond shall be defined as maintaining a rating score of 24 or more in each 25 foot by 50 foot rectangular 1,250 square feet) area as determined by the following rating system:

Diameter of tree at 4½ feet above ground level (inches)	Points
2 - <4 inches	1
4 - <8 inches	2
8 - <12 inches	4
12 in. or greater	8