

**TOWN OF TOPSHAM SHORELAND ZONING  
PERMIT APPLICATION**

**GENERAL INFORMATION**

1. APPLICANT	2. APPLICANT'S ADDRESS	3. APPLICANT'S TEL. #
4. PROPERTY OWNER	5. OWNER'S ADDRESS	6. OWNER'S TEL. #
7. CONTRACTOR	8. CONTRACTOR'S ADDRESS	9. CONTRACTOR'S TEL. #
10. ADDRESS OF PROPERTY	11. TAX MAP & LOT #	12. ZONING DISTRICT
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (PROVIDE SEPERATE PLANS DETAILING BUILDINGS, LAND CLEARING, ROADS, SEPTIC SYSTEMS, WELLS, ETC.)		
14. PROPOSED USE OF PROJECT	15. ESTIMATED COST OF CONSTRUCTION	

**SHORELAND AND PROPERTY INFORMATION**

16. LOT AREA (SQ. FT.)	17. FRONTAGE ON ROAD (FT.)
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES	19. ELEVATION ABOVE 100 YR. FLOOD
20. FRONTAGE ON WATERBODY (FT.)	21. HEIGHT OF PROPOSED STRUCTURE
22. EXISTING USE OF PROPERTY	23. PROPOSED USE OF PROPERTY

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

<p>24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89:</p> <p>_____ SQ. FT.</p> <p>B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:</p> <p>_____ SQ. FT.</p> <p>C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:</p> <p>_____ SQ. FT.</p> <p>D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:</p>	<p>25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89:</p> <p>_____ CUBIC FT.</p> <p>B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:</p> <p>_____ CUBIC FT.</p> <p>C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:</p> <p>_____ CUBIC FT.</p> <p>D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:</p>
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<p>(% INCREASE = <math>\frac{B+C}{A} \times 100</math>)</p> <p>_____ %</p>	<p>(% INCREASE = <math>\frac{B+C}{A} \times 100</math>)</p> <p>_____ %</p>
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I HERBY CERTIFY THAT: THE INFORMATION IN THIS APPLICATION IS COMPLETE AND CORRECT AND I AGREE TO COMPLY WITH ALL TOWN ORDINANCES AND LAWS APPLICABLE TO THIS PROJECT; I AM OR LEGALLY REPRESENT THE OWNER OF THE SUBJECT PROPERTY FOR THE PURPOSE OF OBTAINING THIS PERMIT

**Applicant Signature:** \_\_\_\_\_ **Printed Name:** \_\_\_\_\_

If you would like a copy of the permit, provide email address or mailing address below:

\_\_\_\_\_

FOR OFFICE USE ONLY

PERMIT #: SZ \_\_\_\_\_

Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Lot Area: \_\_\_\_\_

FEE: \_\_\_\_\_

Zone SZ/GEN: \_\_\_\_\_ / \_\_\_\_\_ Use: \_\_\_\_\_

APPROVED / DISAPPROVED; CEO SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Permit Conditions / Comments:

## **STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

1. A copy of this permit must be posted in a visible location on your property during development of the site, including construction of the structures approved by this permit.
2. This permit is limited to the proposal as set forth in the application and supporting documents, except as modified by specific conditions adopted by the Planning Board or Code Enforcement Officer in granting this permit. Any variations from the application or conditions of approval are subject to prior review and approval by the Planning Board or Code Enforcement Officer. Failure to obtain prior approval for variations shall constitute a violation of the ordinance.
3. A substantial start (30% of project based on estimated cost) of construction activities approved by this permit must be completed within one (1) year of the date of issue. If not, this permit shall lapse, and no activities shall occur unless and until a new permit is issued.
4. The water body and wetland setbacks for all principal and accessory structures, driveways, and parking areas must be as specified in the application, or as modified by the conditions of approval.
5. In the event the permittee should sell or lease this property, the buyer or lease shall be provided with a copy of the approved permit and advised of the conditions of approval.
6. Once construction is complete, the permittee shall notify the Code Enforcement Officer that all requirements and conditions of approval have been met. Following notification, the Code Enforcement Officer may arrange and conduct a compliance inspection.

## STANDARD CLEARING CONDITIONS

**The following shall apply to vegetation clearing for all activities within the shoreland zone.**

1. A vegetative buffer strip shall be retained within 100 feet of a great pond or river flowing to a great pond, and within 75 feet of other water bodies, wetlands, and tributary streams.
2. Within the buffer strip(s) there shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. A winding footpath is permitted, provided it does not exceed ten (10) feet in width as measured between tree trunks, and does not provide a cleared line of sight to the water. Adjacent to great ponds and rivers flowing to great ponds, the width of the footpath is limited to six (6) feet.
3. Selective cutting of trees within the buffer strip(s) is permitted provided that a well-distributed stand of trees and other vegetation is maintained. Not more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.
4. Within the buffer strip(s) adjacent to great ponds, and rivers and streams flowing to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
5. Within the buffer strip(s) pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
6. Within the buffer strip(s), 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 in excess of 250 square feet, these openings shall be replanted with native tree species. When removal of such trees appears necessary, the permittee is advised to consult with the Code Enforcement Officer prior to tree removal.
7. Within the shoreland zone, but outside the 75 feet or 100-foot buffer strip(s) described in Standard #1 above, not more than 40% of the total volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet or 25% of the lot area, whichever is greater, including land previously cleared.
8. Legally existing cleared openings which exceed the above standards may be maintained, but shall not be enlarged except as permitted by the ordinance.
9. Where natural vegetation is removed it shall be replaced by other vegetation (except for areas to be built upon) that is effective in preventing erosion and retaining natural beauty.

## GUIDELINES FOR SOIL STABILIZATION

Areas of disturbed soil, including but not limited to areas that are filled, graded, or otherwise disturbed during construction, must be stabilized according to the approved erosion control plan provided as part of the permit application, or as modified by specific conditions of approval. The following guidelines provide guidance for the landowner to consider in preparing and executing the soil stabilization portion of the erosion control plan. The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and sedimentation of water bodies.

### In General:

1. Sterile soils such as sands and gravels should be covered with a minimum of 4 inches of compacted topsoil to provide a growth medium for vegetation.
2. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period. The best seeding dates are from May 1 to June 15. Mid-summer seeding will usually require significant watering.
3. Disturbed areas which cannot be seeded between May 1 and September 15 should be heavily mulched with hay, straw, or some other suitable material to keep them as stable as possible over the winter, and particularly during the spring runoff the following year. Generally, one bale of hay for each 500 square feet of disturbed area provides a stabilizing mulch. For over-wintering, mulch must be tied down, as it is easily blown around on frozen ground, leaving areas of exposed soils. Mulched over-winter areas should be prepared and seeded the following spring as soon as conditions allow.
4. Seeding preparation, in addition to providing topsoil or loam if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked into the soil prior to seeding. After the area is seeded, it should be lightly watered and then mulched to protect the seed, keep the site stable and moist, and allow the seed to germinate and grow.
5. Lime should be applied at a rate of approximately 138 pounds per 1000 square feet of area. This rate may vary depending on soil conditions, and it is recommended that soil be analyzed to determine specifically what additional nutrients are needed.
6. Fertilizers should be a "quick release" low phosphorus mixture. They should be applied at a rate of approximately 18.4 pounds per 1000 square feet. However, no more fertilizer than necessary should be added since any excess may be washed into the adjacent water body and contribute to lower water quality. Fertilizers should never be applied before thunderstorms or before spring runoff.
7. Minimize the areas of exposed soil during construction, and temporarily or permanently stabilize disturbed areas within one week of the time the area is actively worked. Runoff control features such as hay bales, silt fencing, and diversion ditching must be in place and functioning prior to the start of construction.

## The Full Text of the Law

### 38 MRSA§ 439-B. Contractors certified in erosion control

1. **Definition.** For purposes of this section, "excavation contractor" means an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

2. **Certification required.** An excavation contractor conducting excavation activity in a shoreland area shall ensure that a person certified in erosion control practices by the department:

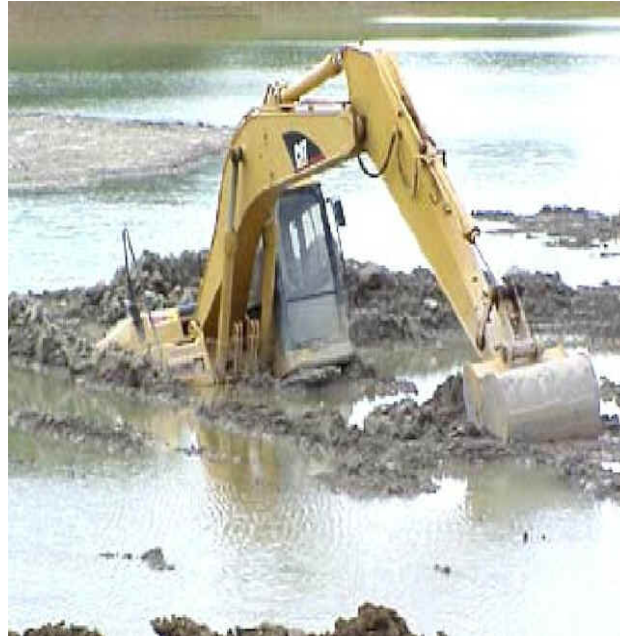
A. Is responsible for management of erosion and sediment control practices at the site; and

B. Is present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed.

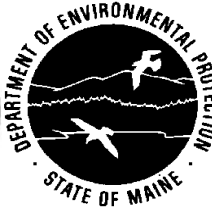
The requirements of this subsection apply until erosion control measures that will permanently stay in place have been installed at the site or, if the site is to be revegetated, erosion control measures that will stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion have been installed.

3. **Application.** This section does not apply to activities resulting in less than one cubic yard of earth material being added or displaced.

4. **Effective date.** This section takes effect January 1, 2013.



**Don't Get Stuck Not Being Certified!**



**Maine Nonpoint Source Training and Resource Center**

Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333

Phone: 207-287-7726

Fax: 207-287-7826

E-mail: [william.n.laflamme@maine.gov](mailto:william.n.laflamme@maine.gov)

## Attention Earthwork Contractors

**Do you work within 250 feet of Maine Lakes, Rivers, Streams and Coastal Waters?**



**Are you prepared to comply with new certification requirements that will go into effect soon?**



DEPLW-0981 2009

## What Certification Requirements?

In 2008, the 123rd Maine Legislature passed LD 2249 which among other provisions requires that **all excavation work in excess of one cubic yard done in shoreland areas, must be supervised by an individual certified in erosion control practices by the Department of Environmental Protection (DEP).** The law further states that the certified individual must be responsible for management of erosion and sediment control practices at the site and must be present at the site each day earthmoving activity occurs to ensure that proper erosion and sedimentation control practices are followed.



## What is this Shoreland Area and How can it be Determined that a Project is Located There?

Under the state's Shoreland Zoning Statutes, the shoreland zone is generally defined as all areas located within 250 feet of rivers, lakes, ponds, some non-forested wetlands, coastal waters, and within seventy-five feet of some streams. However, each municipality adopts their own mapped shoreland zone area. **To determine if a project is located in the shoreland zone and subject to law requirements, it is best to consult with the municipality where a project is located.**



## When do these Requirements Go Into Effect?

In order to provide sufficient time for all construction companies to comply with provisions of the law, **the effective date of the certification requirement is January 1, 2013.**

## How Do You Comply?

Compliance to law requirements can be accomplished in two ways: Company personnel involved in supervising work in shoreland areas may become certified through the DEP's contractor certification program. As an alternative, a company may choose to contract with a certified individual to supervise the company's work in shoreland areas.

## How Do You Become Certified?



Certification is accomplished by attending a day-long training program in Erosion Control Practices sponsored by the DEP's Nonpoint Source Training and Resource Center, and successfully completing a construction site evaluation. These courses are generally held from December through April each year. A listing of courses can be found on the DEP Website at **[maine.gov/dep/blwq/training/schedule.htm](http://maine.gov/dep/blwq/training/schedule.htm)** or by calling the Center at 287-7726.