

Town of Denmark  
62 East Main Street  
Denmark, ME 04022  
Code Enforcement Office  
207-452-2207

Permit No.	_____
Issue Date	_____
Map/Lot	_____
Permit Fee	_____

## Shoreland Tree Removal Application

1. Property Owner		2. Property Owner's Phone	
3. Property Owner's Address		4. Property Owner's Email	
6. Property Address		5. Map _____ Lot _____	
8. Contractor	9. Contractor's Phone	7. Zoning	
10. Contractor's Address		Rural <input type="checkbox"/> Village <input type="checkbox"/> Aquifer Protection <input type="checkbox"/>	
11. Project Description:		Resource Protection <input type="checkbox"/> Shoreland Zoning <input type="checkbox"/>	
		Shoreland Zoning Water Body _____	
		ME DEP Certification # _____	
		12. Number of Trees: _____	
13. Additional Description:			
14. Cleared Opening: Proposed _____ _____	15. Hazard Trees? Yes _____ No _____	16. Storm Damaged? Yes _____ No _____	

20. Additional Permits Required:

\_\_\_\_\_ LEA Replanting Plan

If a replanting plan is required, please contact Lakes Environmental Association and submit the replanting plan to the CEO office upon completion.

**6.8.6. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.**

**6.8.6.1.** Written permission from the Code Enforcement Officer is required prior to the removal of Hazard Trees within the 100' buffer in the Shoreland District. However, Hazard Trees posing an imminent danger in the Shoreland District may be removed prior to written permission provided photographic evidence of the tree(s) is obtained prior to their removal and the Code Enforcement Officer's review is obtained within 5 business days of removal. Additionally, Hazard Trees within the 100' buffer in the Shoreland District may only be removed if the following requirements are met:

**6.8.6.1.1.** Within the shoreline buffer, of 100 feet, if the removal of a Hazard Tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

## Location of Trees

Please include all setback distances from property boundaries and right of ways, buffers, all wetlands and water bodies, including streams, wells, and septic systems. Include a minimum of 100 feet from the shoreland zone setback or flood elevations if applicable. Show all proposed decks, porches, and additions. **The property owner and/or contractor is responsible for depicting measurements on this plan as true and accurate.**

**Please indicate the location of the hazard/storm damaged trees and the proposed replanting locations:**

**Other documents that may be required based on the type of proposed work:**

	Replanting Plan for Shoreland Tree Removal – See pertaining section of Zoning Ordinance
	Written Erosion and Sedimentation Plan, required for work in Shoreland Zone.

**For Office Use:**

Your Application for Building Permit has been:

**Granted** \_\_\_\_\_ **Fee Calculated: \$40**

**Denied** \_\_\_\_\_

Reason for denial: \_\_\_\_\_

\_\_\_\_\_

Applicant needs approval by Planning Board for : \_\_\_\_\_

Signature of Code Enforcement Officer: \_\_\_\_\_

INSERT FROM

**ZONING ORDINANCE  
OF THE MUNICIPALITY OF  
DENMARK, MAINE  
ENACTED JUNE 10, 1974  
AMENDED JUNE 03, 2023**

**6.8. General Performance Standards.**

6.8.1. Access to Lots.

Refer to Section 4.1.

6.8.2. Accessory Buildings.

Refer to Section 4.2.

6.8.3. Archaeological Sites.

Refer to Section 4.3.

6.8.4. Buffer Areas.

Refer to Section 4.4.

6.8.5. Clearing and Removal of Vegetation for Activities Other Than Timber Harvesting.

For Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal, see Section 6.8.6.. The following provisions shall apply only within the Shoreland District.

6.8.5.1. Except to remove safety hazards, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

6.8.5.1.1. 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. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or stream flowing to a great pond, the width of the foot path shall be limited to six (6) feet.

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

the purposes of Section 6.8.5.1.2. a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, 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.

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**NOTE:** As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

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

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 cleared openings are created.

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The following shall govern in applying this point system:

- 6.8.5.1.2.1. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- 6.8.5.1.2.2. Each successive plot must be adjacent to, but not overlap a previous plot;
- 6.8.5.1.2.3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- 6.8.5.1.2.4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- 6.8.5.1.2.5. 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.

For the purposes of Section 6.8.5.1.2.5 "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no

woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no 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.

6.8.5.1.3. Adjacent to other water bodies and wetlands, a “well-distributed stand of trees and other vegetation” is defined as maintaining a minimum rating score of 8 per 25-foot square area.

6.8.5.1.4. Notwithstanding the above provisions, no 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.

6.8.5.1.5. A drilled, driven, or dug well is permitted within the 100-foot buffer area provided that a permit is obtained from the Code Enforcement Officer; erosion and sedimentation control practices meeting the requirements of section 7.2.1. are employed and any cleared area in excess of 250 square feet is replanted to trees.

6.8.5.1.6. In order to protect water quality and wildlife habitat, adjacent to great ponds, and streams which flow to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in Sections 6.8.1. and 6.8.1.1. above.

6.8.5.1.7. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

6.8.5.1.8. 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.

6.8.5.1.9. The provisions contained in Section 6.8.1. above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

6.8.5.2. At distances greater than one hundred (100) feet, horizontal distance, from a water body or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (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 forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is lesser, including land previously developed.

6.8.5.3. Cleared openings legally in existence on the effective date of this Ordinance may

be maintained, but shall not be enlarged, except as permitted by this Ordinance.

6.8.5.4. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this Section.

#### 6.8.6. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

6.8.6.1. Written permission from the Code Enforcement Officer is required prior to the removal of Hazard Trees within the 100' buffer in the Shoreland District. However, Hazard Trees posing an imminent danger in the Shoreland District may be removed prior to written permission provided photographic evidence of the tree(s) is obtained prior to their removal and the Code Enforcement Officer's review is obtained within 5 business days of removal. Additionally, Hazard Trees within the 100' buffer in the Shoreland District may only be removed if the following requirements are met:

6.8.6.1.1. Within the shoreline buffer, of 100 feet, if the removal of a Hazard Tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.

6.8.6.1.2. Outside of the shoreline buffer, of 100 feet, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the Shoreland District, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

6.8.6.1.3. The Code Enforcement Officer may require more than a one-for-one replacement for Hazard Trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

6.8.6.2. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

6.8.6.2.1. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland District.



6.8.6.3. Storm-Damaged Trees in the Shoreland District May Be Removed Without a Permit After Consultation With the Code Enforcement Officer if the Following Requirements Are Met:

6.8.6.3.1. Within the shoreline buffer, of 100 feet, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

6.8.6.3.2. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

6.8.6.3.3. Stumps from the storm-damaged trees may not be removed;

6.8.6.3.4. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

6.8.6.3.5. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

6.8.6.3.6. Outside of the shoreline buffer, of 100 feet, if the removal of storm-damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the Shoreland District or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis in the affected areas.

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6.8.8. Exemptions to Clearing and Vegetation Removal Requirements.

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 6.8.5., provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

6.8.8.1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this Section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 6.8.5.

6.8.8.2. The removal of non-native invasive vegetation species provided the following minimum requirements are met:

6.8.8.2.1. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

6.8.8.2.2. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

6.8.8.2.3. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

6.8.8.3. The removal of vegetation associated with emergency response activities conducted by the Maine Department of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

Note: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:

[https://www.maine.gov/dacf/mnap/features/invasive\\_plants/invasives.htm](https://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm)

#### 6.8.9. Revegetation Requirements.

6.8.9.1. When revegetation is required due to the following conditions:

1. Violation of vegetation standards,
2. Removal of non-native, invasive species of vegetation, or
3. As a mechanism to allow for development that may otherwise not be permissible under the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

6.8.9.1.1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

6.8.9.1.2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

6.8.9.2. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

6.8.9.2.1. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

6.8.9.2.2. A survival rate of at least eighty (80) percent of planted trees or saplings

is required for a minimum five (5) years period.

6.8.10. Erosion and Sedimentation Control.

Refer to Section 4.5.

6.8.11. Landscaping.

Refer to Section 4.6.

6.8.12. Off Street Parking and Loading Requirements.

Refer to Section 4.7.

6.8.13. Protection of Drinking Water Supplies.

Refer to Section 4.8.

6.8.14. Roads and Driveways.

Refer to Section 4.9.

6.8.15. Septic Waste Disposal.

Refer to Section 4.10.

6.8.16. Signs.

Refer to Section 4.11.

6.8.17. Soils.

Refer to Section 4.12.

6.8.18. Storage of Materials.

Refer to Section 4.13.

6.8.19. Stormwater Runoff.

Refer to Section 4.14.

6.8.20. Traffic Impacts and Street Access Control.

Refer to Section 4.15.

6.8.21. Village District.

Refer to Section 4.16.

6.8.22. Water Quality Protection.

Refer to Section 4.17.

**6.9. Performance Standards, Specific Activities and Land Uses.**

6.9.1. Agriculture and Animal Husbandry.

Refer to Section 5.1.

6.9.1.1. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the Shoreland District shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to

be a violation of this Ordinance.

6.9.1.2. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a water body; nor within twenty-five feet, horizontal distance, of wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

6.9.1.3. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, from:

6.9.1.3.1. A water body or wetlands.

6.9.1.3.2. Within five (5) years of the effective date of this Ordinance all manure storage areas within the Shoreland District must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater. Existing facilities which do not meet the setback requirement may remain but must meet the no discharge provision within the above five (5) year period.

6.9.1.4. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body, nor; within twenty-five (25) feet, horizontal distance, of wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

6.9.2. Automobile Graveyards and Junkyards.

Refer to Section 5.2.

6.9.2.1. No motor vehicles or material shall be located within the 100-year flood plain.

6.9.2.2. No motor vehicles or material shall be stored within 300 feet of any water body.

6.9.3. Bed & Breakfast/Inn.

Refer to Section 5.3.

6.9.4. Boathouses.

Boathouses may be located within a shore lot, but shall be set back a minimum of 100 feet from the normal high water elevation of lake, pond, river or stream; shall not exceed one (1) boathouse on the premises for each shore lot; shall not exceed a height of fifteen (15) feet; shall not exceed three hundred (300) square feet in horizontal area covered; and shall be at least twenty (20) feet from any side lot line. All distances shall be measured horizontally.

6.9.5. Campgrounds.

Refer to Section 5.4.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

6.9.5.1 The area intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings, shall be set back a minimum of 100 feet from the exterior lot lines of the camping area and 100 feet from the normal high-water elevation of any waterbody or the upland edge of a wetland.