

§957-A. Resource Protection District

1. Areas to be included. The Resource Protection District shall include the following areas:

A. Wetlands, swamps, marshes and bogs; [PL 1979, c. 459, §1 (NEW).]

B. Areas where the entire width of the corridor on one or both sides of the river is within the 100-year floodplain; [PL 1979, c. 459, §1 (NEW).]

C. Land in private ownership designated for inclusion within this district by the owner thereof and accepted by the commission because of its importance as a fish and wildlife habitat or its educational, scientific, scenic, historic or archaeological value, or its open space value; [PL 1979, c. 459, §1 (NEW).]

D. Land held in federal, state and municipal ownership which is designated for inclusion within this district by the controlling state, local or federal agency or board and accepted by the commission because of its importance as a fish and wildlife habitat or its educational, scientific, scenic, historic or archaeological value, or its open space value; [PL 1979, c. 459, §1 (NEW).]

E. Land subject to easements or other restrictions that limit permissible uses to those allowed within this district; [PL 1995, c. 171, §4 (AMD).]

F. Areas of importance as a fish or wildlife habitat or containing exceptional educational, scientific, scenic, historic or archaeological resources, which are nominated in writing to the commission by a municipal or state agency and approved by the commission after public hearing in the municipality within which the area is located.

(1) Areas of importance as fish and wildlife habitat shall be included within the Resource Protection District upon a finding by the commission that all of the following requirements are met:

(a) The area is of importance to a specific species of fish, migratory birds or other wildlife which inhabits the Saco River Corridor;

(b) The maintenance and preservation of the populations of such species will promote the public welfare; and

(c) More intensive development would result in the total or partial loss of the wildlife resources to be protected.

(2) Areas of exceptional scenic importance shall be included within the Resource Protection District upon a finding by the commission that all of the following requirements are met:

(a) The area is of exceptional scenic value because of distinct and clearly identifiable geological formations, vegetation or other natural features, such as bluffs, cliffs, rapids, falls, rock out-croppings or islands;

(b) The natural features are visible from the river or from an accepted road during the months of June through September;

(c) Preservation of the scenic value of the area will promote the public welfare; and

(d) More intensive development would result in the total or partial loss of the scenic value of the area.

(3) Areas of exceptional historic importance shall be included within the Resource Protection District only upon a finding by the commission that all of the following requirements are met:

(a) The area to be included is associated with persons or events of national, state or local historic significance;

(b) The area to be included, or the persons or events associated with the area, have been described or alluded to in historic documents, state or local histories, historic novels or other published materials;

(c) Protection of the historic values of the area will contribute to public understanding and appreciation of the history of the Saco River Valley and its people; and

(d) More intensive development would result in the total or partial loss of the historic value of the area.

(4) Areas of exceptional archaeological importance shall be included within the Resource Protection District upon a finding by the commission that all of the following requirements are met:

(a) The area to be included is one of exceptional importance as a source of fossils or prehistoric Indian remains;

(b) The protection of the area would promote the public welfare by increasing public understanding and appreciation of the past of the Saco River Valley and its inhabitants; and

(c) More intensive development would result in the total or partial loss or inaccessibility of such fossils or Indian remains.

(5) Areas of exceptional scientific and educational importance shall be included within the Resource Protection District only upon a finding by the commission that all of the following requirements are met:

(a) The area contains rare or unusual flora, fauna or other natural features of scientific or educational importance;

(b) That protection of the area will promote scientific and educational purposes; and

(c) More intensive development would result in the total or partial destruction of the educational or scientific value of the area; and [PL 1995, c. 171, §5 (AMD).]

G. Areas of 2 or more contiguous acres with sustained slopes of 20% or greater. [PL 1995, c. 171, §6 (NEW).]

[PL 1995, c. 171, §§4-6 (AMD).]

2. Uses for which no permit from the commission is required. Uses within the Resource Protection District for which no permit from the commission is required shall include:

A. Open space uses which do not involve development including erosion and flood control, parks, game management, harvesting of cranberries and wild crops, tent camping, picnic areas, fishing, hunting, and other forms of outdoor recreation compatible with the purposes of this district; [PL 1979, c. 459, §1 (NEW).]

B. Piers, docks and floats in compliance with state and federal requirements and applicable performance standards; [PL 1979, c. 459, §1 (NEW).]

C. Forestry, agriculture, horticultural and aquacultural uses not involving development; and [PL 1979, c. 459, §1 (NEW).]

D. Maintenance, reconstruction or relocation of existing public ways or bridges. [PL 1979, c. 459, §1 (NEW).]

[PL 1979, c. 459, §1 (NEW).]

3. Uses allowed by permit. Uses within the Resource Protection District which may be allowed by permit shall include:

- A. Structures related, necessary and accessory to the uses for which no permit is required; [PL 1979, c. 459, §1 (NEW).]
 - B. Dredging, filling or alteration of wetlands related, necessary and accessory to permitted uses; [PL 1979, c. 459, §1 (NEW).]
 - C. Any fill or deposit of material related, necessary and accessory to permitted uses; [PL 1979, c. 459, §1 (NEW).]
 - D. Sand, gravel and topsoil (loam) excavations; [PL 1979, c. 459, §1 (NEW).]
 - E. Necessary expansion or enlargement of nonconforming uses; and [PL 1979, c. 459, §1 (NEW).]
 - F. Reconstruction of nonconforming structures damaged or destroyed by casualty. [PL 1979, c. 459, §1 (NEW).]
- [PL 1979, c. 459, §1 (NEW).]

4. Prohibited uses. Prohibited uses within the Resource Protection District shall include:

- A. Structures designed for human habitation; [PL 1979, c. 459, §1 (NEW).]
 - B. Buildings not related, necessary and accessory to uses for which no permit is required; [PL 1979, c. 459, §1 (NEW).]
 - C. Any fill or deposit of materials, or dredging or alteration of wetlands, not permitted as accessory to uses allowed within the district; [PL 1979, c. 459, §1 (NEW).]
 - D. Billboards; [PL 1979, c. 459, §1 (NEW).]
 - E. Commercial uses other than those undertaken and permitted pursuant to subsections 2 and 3; [PL 1979, c. 459, §1 (NEW).]
 - F. Industrial or manufacturing uses; [PL 1979, c. 459, §1 (NEW).]
 - G. Dumping or disposing of any liquid or solid wastes other than agricultural utilization of animal wastes; and [PL 1979, c. 459, §1 (NEW).]
 - H. Uses prohibited in the Limited Residential or General Development District. [PL 1979, c. 459, §1 (NEW).]
- [PL 1979, c. 459, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 459, §1 (NEW). PL 1995, c. 171, §§4-6 (AMD).

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