

Attachment A 3-9-20 LIPB Meeting Minutes

Proposed amendment
Tim Honey proposal
3.1.29

Language as currently proposed by the Planning Board: RED

Amendment proposed by Tim Honey: Green

Existing language in existing in town Shoreline Zoning ordinance: Brown

(10) Vegetation may be removed in excess of the standards in Section 15P of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

(a) When necessary, the removal of trees and other vegetation to allow construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be resored.

(b) Revegetation must occur in accordance with Article 4.15.(S).

Proposed New Language:

(c) If the revegetation requirements cannot be met because of the configuration of the slope and the lot, then the Planning Board, upon recommendation from the City Arborist, can invoke the Emergency Operations set forth in the ordinance in Section 4.17 Definitions, and can declare an Emergency and can proceed to develop with the Town's Arborist a workable plan for revegetation. Such a plan must be submitted to the DEP for final approval.

Reference for existing definition of an Emergency Operations

4.17 Definitions:

Emergency Operations – operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

S. Reference to Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P) to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for the development that may otherwise not be permissible due to the vegetation standards,

including removal of revegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirement.

- (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.**
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and 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 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.**
- (3) 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.**
- (4) Revegetation activities must meet the following requirements for trees and saplings.**
 - (a) All trees and saplings removed must be replaced with native noninvasive species:**
 - (b) Replacement vegetation must at a minimum consist of saplings:**
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used:**
 - (d) No one species shall make up 50% or more of the number of trees of trees and saplings planted:**
 - (e) 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, the trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures.**
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.**
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:**
 - (a) All woody vegetation and revegetation under three (3) feet in height must be replaced with native noninvasive species of wood vegetation and vegetation under three (3) in height as applicable:**
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater.**
 - (c) If more than (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted:**
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants: and**
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.**

- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:**
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater**
 - (b) Where necessary due to lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and /or ark mulch to prevent erosion and provide for effective infiltration of stormwater: and**
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained with this chapter for minimum of five (5) years.**