

**TOWN OF ALNA**  
Application for Shoreland Zoning Permit  
for Removal of Non-Native Invasive Vegetation Species

Property Owner: \_\_\_\_\_

Proposed non-native invasive vegetation<sup>1</sup> removal project (attach additional pages, if needed):

- Location of Project: Tax Map \_\_\_\_\_ Lot \_\_\_\_\_ Size of Lot \_\_\_\_\_  
Provide map showing general location of lot in town.
- Species to be removed \_\_\_\_\_  
\_\_\_\_\_
- Location and size of removal area and access to removal area (provide written sketch with measurements and showing nearby waterbodies.) \_\_\_\_\_  
\_\_\_\_\_
- Method and equipment to be used for removal (see Appendix B for Best Management Practices for Knotweed) \_\_\_\_\_  
\_\_\_\_\_
- Herbicides to be used (if any), application method, and name of licensed applicator (if any)  
\_\_\_\_\_  
\_\_\_\_\_
- Erosion control measures to be employed \_\_\_\_\_  
\_\_\_\_\_
- Revegetation plan (see Appendix C for guidelines and resources) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Adverse impacts on fish, aquatic life, bird or other wildlife habitat or non-target vegetation (must consult Inland Fisheries & Wildlife, see Appendix A) \_\_\_\_\_  
\_\_\_\_\_
- Impacts on archeological and historic resources \_\_\_\_\_  
\_\_\_\_\_
- Additional permits required (must consult DEP, see Appendix A) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Duration of removal project \_\_\_\_\_

To the best of my knowledge, all information on this application is true and correct:

Signature of Owner or Authorized Agent \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Email address: \_\_\_\_\_

Phone: \_\_\_\_\_ Date received by Planning Board: \_\_\_\_\_

<sup>1</sup> An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Area Program: [http://www.maine.gov/dacf/mnap/features/invasive\\_plants/invasives.htm](http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm)  
Form adopted 4/2023

**TOWN OF ALNA**  
Shoreland Zoning Permit  
for Removal of Non-Native Invasive Vegetation Species

Date of on-site inspection by Planning Board \_\_\_\_\_

Application Approved \_\_\_\_\_ Denied \_\_\_\_\_

Planning Board finds that all requirements of the Shoreland Zoning Ordinance, Section 16(D)(1 – 9) have been met with the following conditions:

- If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment must be operated and stored at least 25 feet, horizontal distance, from the shoreline, except that the wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
- Removal of vegetation within 25 feet, horizontal distance, from the shoreline (water's edge or wetland edge) must occur via hand tools;
- The area must be revegetated with native species (see Exhibit C);
- Any activity involving the disturbance of soil is required to be conducted by a contractor, or supervised by an individual, certified in erosion control practices by the Department of Environmental Protection;
- All knotweed removal practices must be consistent with the methods chosen in Appendix B, and
- \_\_\_\_\_

The permit shall expire one year from the date of issuance if no substantial start is made.

Permit No. \_\_\_\_\_

Signature of Planning Board Chair (or designee) \_\_\_\_\_

Date \_\_\_\_\_

## Permitting Overview

**NOTE: you must provide evidence in your application you have consulted the DEP and IF&W.**

**NOTE: the Alna Planning Board must conduct a site visit before they can approve your application. To expedite the process, the application should be submitted 3 weeks prior to a Planning Board meeting to allow time to schedule and provide 7 days public notice before conducting the site visit.**

### 1. Department of Environmental Protection (DEP): Natural Resource Protection Act (NRPA) → Cutting and revegetation in Shoreland Zone

Contact: *DEP Land Resources on-call number, info on cutting in/near wetlands and waterbodies: Augusta (Central Maine Regional Office) 207-287-7688; 800-452-1942*

- Protects “wetlands, great ponds, rivers, streams or brooks” and land adjacent to them (see link A)
- If your knotweed is growing IN a wetland (hydric soils & wetland vegetation) you will need a Permit by Rule from the DEP to cut any vegetation (see link B).
- If your knotweed is growing in an upland area adjacent to a wetland or waterbody you are exempt from a Permit by Rule but must adhere to Alna’s Shoreland Zoning Ordinance. The DEP exemption language is copied below (see link C for more info):

#### **“§480-Q. Activities for which a permit is not required**

A permit is not required for the following activities if the activity takes place solely in the area specified below: [PL 1987, c. 809, §2 (NEW).]

23. Cutting or clearing subject to mandatory shoreland zoning laws. Cutting or clearing of upland vegetation adjacent to those protected natural resources listed in [section 480-C, subsection 1, paragraph A](#) or B for a purpose other than forest management as long as:

A. The cutting or clearing is subject to the jurisdiction of a municipality pursuant to [chapter 3, subchapter 1, article 2-B](#); or [PL 2003, c. 637, §1 (AMD).]”

A. More about the NRPA:

<http://www.mainelegislature.org/legis/statutes/38/title38sec480-C.html>

B. More about Permit by Rule: <https://www.maine.gov/dep/land/nrpa/ip-pbr.html>

C. More about the exemption:

<http://www.mainelegislature.org/legis/statutes/38/title38sec480-Q.html>

## 2. DEP and Board of Pesticide Control → Pesticide Use

Contact DEP Water Quality on-call number, info on pesticide waste discharge license: Augusta (Central Maine Regional Office): 207-287-7688; 800-452-1942

- To apply herbicide in/near waterbodies and wetlands, you must obtain a General Permit for the Discharge of Pesticides from the DEP OR apply for a “Variance” from the Board of Pesticide Control to be exempt from obtaining a permit. To qualify for a Variance, you must follow all Best Management Practices outlined in the “Herbicide Use in Wetlands Fact Sheet” linked below.
- Link to General permit: <https://www.maine.gov/dep/water/wd/pesticide/index.html>
- Link to Variance form: <https://www.maine.gov/dacf/php/pesticides/documents2/forms/VariancePermitCh29-2022.pdf>
- Herbicide use in Wetlands Fact Sheet: [https://www.maine.gov/dacf/php/pesticides/documents2/FACTSHEETHerbicideGuidanceApr2006\(2016\).pdf](https://www.maine.gov/dacf/php/pesticides/documents2/FACTSHEETHerbicideGuidanceApr2006(2016).pdf)

## 3. Department of Inland Fisheries & Wildlife (IF&W) → Habitat Concerns

- Must consult to see if your property contains or is adjacent to any Essential Habitat for threatened, endangered, or species of special concern. **If so, IF&W must be contacted to request and obtain a “certification of review and approval”.** This approval must be submitted with the Alna permit application; or Permit by Rule if your invasive species are growing in a wetland.
  - i. Maps showing areas of Essential Habitat are available from IF&W regional headquarters, municipal offices, and DEP regional offices. You can call the DEP Land Resource’s office (207-287-7688) OR IF&W to determine if your property contains Essential Habitat (207) 287-8000; [IFWEnvironmentalreview@maine.gov](mailto:IFWEnvironmentalreview@maine.gov).

## 4. US Army Corps of Engineers → Instream Work

- If you plan to work below the High Tide Line or the Mean High Water Mark of the Sheepscot River or any river, stream, or brook, or in any salt or freshwater wetland, this is considered working IN the river and may require additional permitting from the US Army Corps of Engineers.

### Additional Information on Alna’s Shoreland Zoning Ordinance:

- GENERAL: The “Shoreland Zone” is the land buffering any waterbody or wetland. Alna’s Shoreland Zoning Ordinance describes the size of the shoreland zone and what activities are permitted in this area. Alna’s Shoreland Zoning Ordinance is available on the town’s website and from the town office. You may call Alna’s Planning Board Chair or Code Enforcement Officer if you are unclear about whether you need a permit.

## APPENDIX A

- DISTRICTS: Alna's shoreland zone is divided into different "Zoning Districts." The activities that require a permit are different within each district. Alna's shoreland zoning map is on the town's web site or can be viewed at the town office.
  
- Town of ALNA: Section 14, Table 1 (5) requires a permit for "Clearing or removal of vegetation for activities other than timber harvesting." Specific standards are found in Section 15 (O).
  - A permit is required if you are in a Stream Protection or Resource Protection District.
  - Limited Residential, Head Tide Village, and Alewife Fishery District's DO NOT require a permit, but you must comply with applicable land use standards.
  - Exception: If Knotweed is in a field that you have regularly maintained and mowed within the shoreland zone, you may continue this practice so long as you do not expand the existing field.

APPENDIX B

**Knotweed Best Management Practices**

CHECK ALL that apply to your proposed work to control Knotweed in the Shoreland Zone.

*Special Notes:*

- 1. No live cuttings may be disposed of or composted outside of the zone of removal. Windrowing or piling of cut live stems must be done within the cut area and beyond 25 feet of any wetland or water.*
- 2. Any practices that stray from recommendations must be verified by evidence of research and/or consultation with experts.*

- Dead cane removal in preparation for control practices, November 1 thru April 15.  
 by hand tools.  by rotary mower.  by sicklebar mower
- Dead Cane removal per above, by prescribed controlled burn, December 1 thru April 15. (must be permitted and supervised or performed by Alna Fire Department personnel.)
- Repeated cutting of green shoots, more than 25 feet from estimated high water mark and any wetland, not fewer than four (4) times and not to exceed four (4) feet in height. May 1 thru September 1. Windrow disposal of live cuttings within the cut area only.  
 by hand tools.  by rotary mower  by sicklebar
- Cutting of green shoots within 25 feet of the estimated high-water mark and any wetland, two (2) times or more and not to exceed six (6) feet in height, May 15 thru September 1. Windrow disposal of live cuttings ONLY within a Knotweed area under current management which is beyond 25 feet from estimated high water mark and any wetland.
- Herbicidal "burning" of new growth by Licensed Pesticide Applicator. NOT permitted for landowner application. Permitted only for new growth less than chest height AND not later than June 1.
- September herbicide application of surfactant-Glyphosate per the Label, 25 feet from estimated high water mark and any wetland. Target plants may not exceed four (4) feet in height. Landowner may apply only when site visit by Alna Planning provides this approval. Complex application sites or areas of special sensitivity require Licensed Pesticide Applicator; TBD by site visit. (This practice requires repeated prior cutting through the growing season.)
- September herbicide application of wetland and aquatic-approved herbicide within the 25 feet area from estimated high water mark and any wetland, by Licensed Pesticide Applicator ONLY. This practice requires two (2) prior cuttings of mature growth during the growing season). By injection, wick applicator or other method approved by DEP.
- September spray application of Agronomic Vinegar (Acetic Acid @ 20%) by Landowner. Plants may not exceed four (4) feet in height. This practice requires repeated prior cutting through the growing season.

APPENDIX B

Small patch (less than 1,000 square feet only) control by other methods: Suffocation by heavy tarp, carpeting, geotextile, mulch and cutting, hardware cloth, other. (Note: this approval is for one year of the practice with re-submission for the second-year approval required.)

Provide details of the plan here: \_\_\_\_\_

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Assessment of site conditions by April of subsequent year, and submission of the second year of Control Practices and Revegetation Plan to Alna Planning Board for approval for continued control practices. (Authorization of this application is for practices in the current year only.)

END

## Revegetation Guidelines & Resources

### GUIDELINES

- (1) The property owner must submit a revegetation plan 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 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:
- (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 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, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
  - (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 vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet 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;

## APPENDIX C

- (c) If more than three (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 a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark 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 for a minimum of five (5) years.

## RESOURCES

Buffer Handbook Plant List:

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUK\\_EwjS3fW3-ur9AhVPkIkEHT0xA0UQFnoECAkQAQ&url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Fland%2Fwatershed%2Fbuffplantlist.pdf&usq=AOvVaw3SIJTLq8imy-c8J7Wv357f](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUK_EwjS3fW3-ur9AhVPkIkEHT0xA0UQFnoECAkQAQ&url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Fland%2Fwatershed%2Fbuffplantlist.pdf&usq=AOvVaw3SIJTLq8imy-c8J7Wv357f)