Zoning Ordinance
Normal High Water Line Zoning Amendments

SEC. 19-1-3. DEFINITIONS

Coastal wetland: All land that is subject to tidal action during the Highest Astronomical Tide including any of the following: (a) all tidal and subtidal lands; (b) all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; (c) any swamp, marsh, bog, beach, flat or other contiguous low land; or~~and~~ (d) all lands that are located adjacent to and an additional three (3) feet of vertical elevation above the elevation level of the Highest Astronomical Tide. Coastal wetlands may include portions of coastal sand dunes. All areas located adjacent to and below elevation of the Highest Astronomical Tide plus three (3) vertical feet upland of the Highest Astronomical Tide are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Highest Astronomical Tide: The elevation of the highest predicted astronomical tide, referenced to Mean Lower Low Water (MLLW) at Portland Head Light tide prediction station. This prediction is based on an adjustment from the Portland tidal station. The highest astronomical tide is based on the most recent National Tidal Datum Epoch (NTDE) as determined from time to time by the National Ocean Service, an office within the U.S. Department of Commerce, National Oceanic and Atmospheric Administration.

[Note: The current NTDE was made effective in April 2003. As of January 1, 2014 HAT plus 3' =14.6 NAVD88]

~~**Normal High Water Line of Coastal Waters:** That line on the shore of tidal waters which is the apparent extreme limit of the effect of the tides, i.e. the top of the bank, cliff or beach above high tide.~~

Normal High Water ~~Line of Inland Waters~~: Adjacent to inland waters, normal high water setbacks are measured from t~~T~~hat line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. Adjacent to tidal waters, normal high water setbacks are measured from the upland edge of the **coastal wetland**, defined herein. ~~on the shores and banks of non-tidal waters which marks normal high water, and which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly terrestrial to predominantly aquatic vegetation. (By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerelweed, cattail, wild rice, sedges,~~

~~rushes and marsh grasses, and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the normal high water line cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water line shall be estimated from places where it can be determined by the above method. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or Great pond during the period of normal high-water are considered part of the river or Great pond.~~ **~~(Effective October 15, 2009)~~**