

**Recent Changes to the
*State of Maine Guidelines for Municipal
Shoreland Zoning Ordinances 2006***

Maine Association of Site Evaluators

February 24, 2009

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Guideline Changes



- Effective May 1, 2006
- Some changes require town adoption
- Some provisions are optional for towns to adopt
- Towns have until July 1, 2009 to adopt

Section 4B Timber Harvesting

Municipalities will choose to

- Repeal regulation of timber harvesting in the shoreland zone (Option 1)
- Adopt the state-wide timber harvesting standards to be used in regulating timber harvesting in the shoreland zone (Option 2)
- Or, Retain some other Section on timber harvesting no less restrictive than the Guidelines Section 15(O) to use (Option 3).

Good to Know...

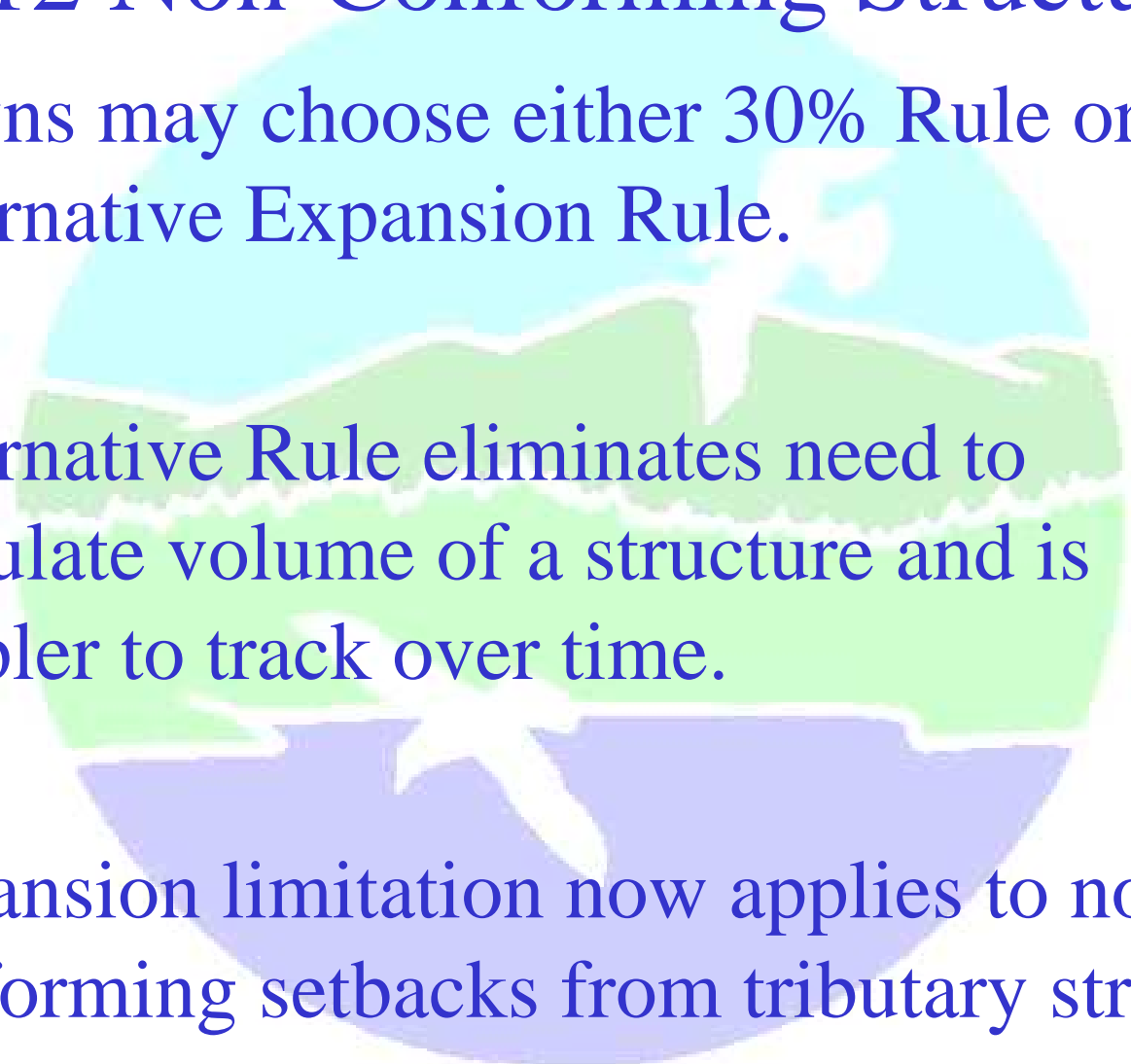
- Repeal date is dependent on when at least 252 of the 336 municipalities with the highest acreage of harvesting choose either Option 1 or 2.
- 80%+ of municipalities have chosen 1 or 2 so far, but only about 70 towns have updated their local ordinances at this time.



Non-Conformity

Sec 12 Non-Conforming Structures

- Towns may choose either 30% Rule or Alternative Expansion Rule.
- Alternative Rule eliminates need to calculate volume of a structure and is simpler to track over time.
- Expansion limitation now applies to non-conforming setbacks from tributary streams.

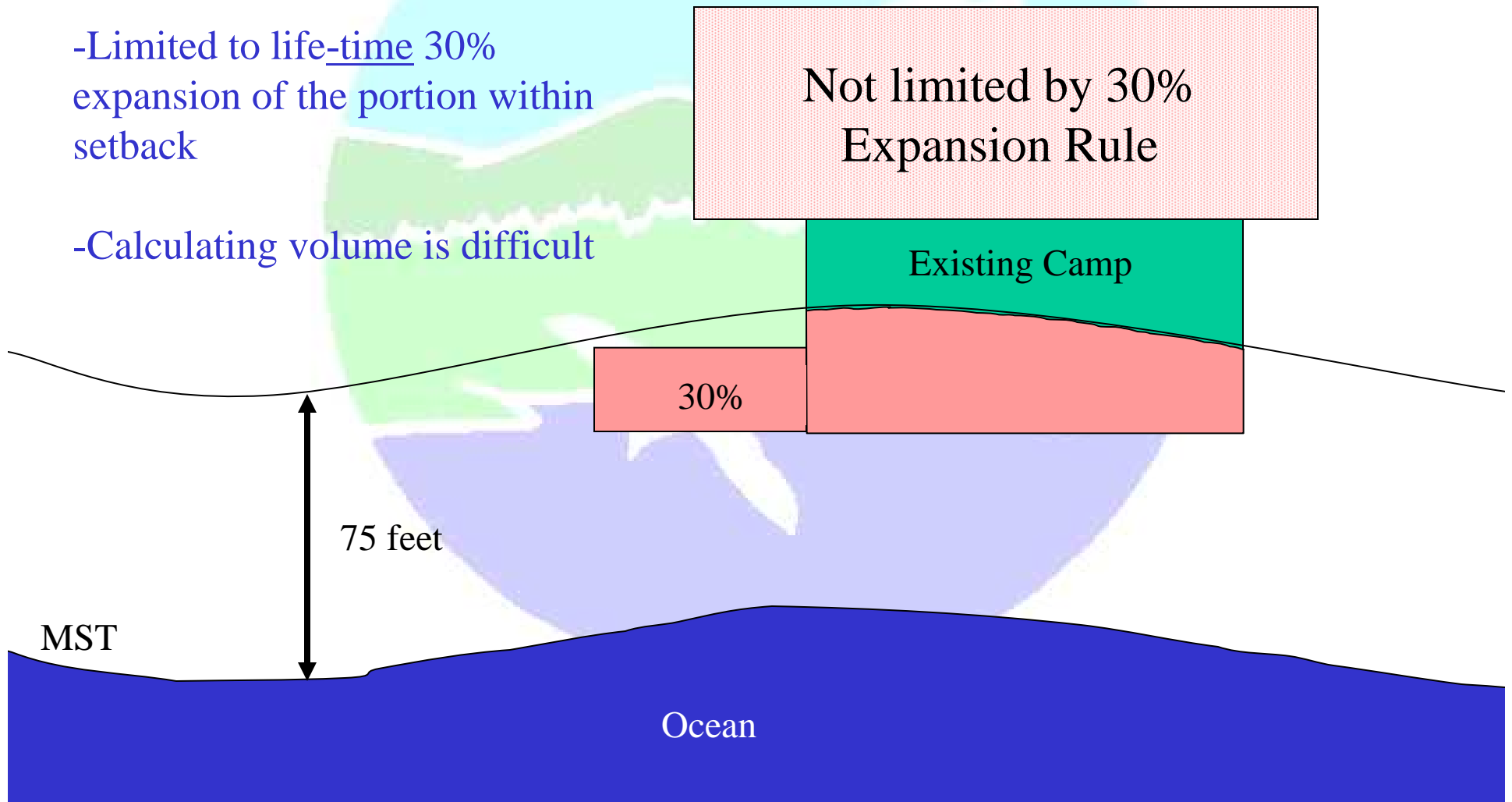


30% Expansion Rule

-Baseline is the s.f. and volume of the structure on/before Jan. 1, '89

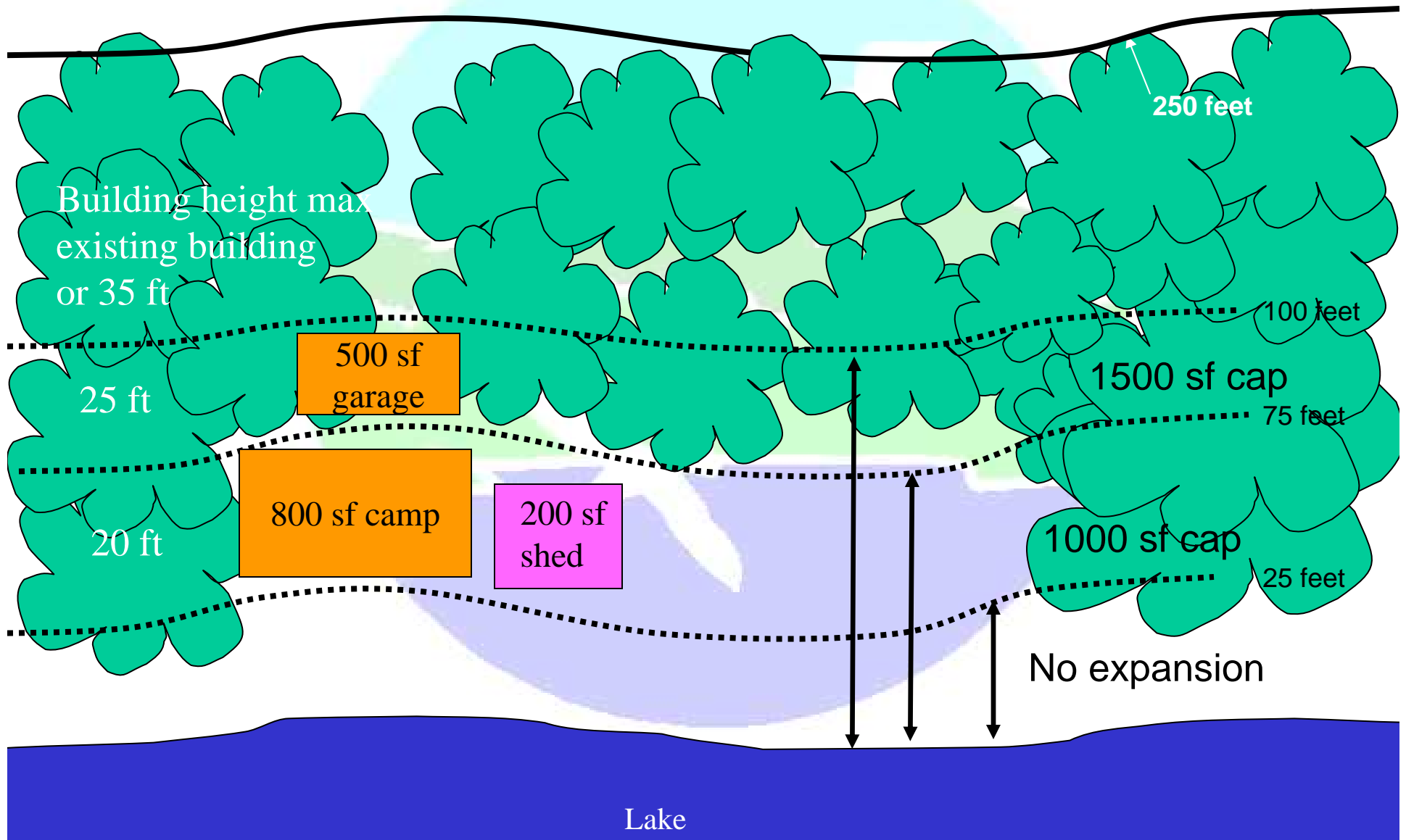
-Limited to life-time 30% expansion of the portion within setback

-Calculating volume is difficult



Alternative to the 30% Rule

New construction limited by lot coverage and height



Sec 13: Resource Protection District

Moderate and high value freshwater wetlands must be Resource Protection unless already developed (≥ 2 prin.struc./500' for $\geq 1000'$), or are zoned as a Stream Protection District.

- Ratings updated 2006 and 2008. Use 2008.
- Maps with ratings of zoned freshwater wetlands were sent to municipalities. Maps include the 250 foot buffer.

Sec 13: General Development Districts

- Existing General Development Districts (GDI) may retain the 25-foot setback.
- Setback requirements for new General Development District (GDII) are increased from 25 to 75 feet, and new designation is required if any new GD are created.



Sec 15. Land Use Standards



Sec. 15(B)(1)(c): Principal and Accessory Structures

- Setback measurements for principal structures shall be taken from the top of a “highly unstable” or “unstable” coastal bluff, as mapped by the Maine Geological Survey.
- Note: Debris line no longer used to determine upland edge of a coastal wetland.

Sec 15. Land Use Standards



Sec. K: Septic Waste Disposal

Comply with Subsurface Wastewater Disposal Rules and the following:

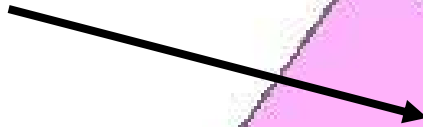
- Clearing of woody vegetation to site a new system and any fill extensions shall not extend closer than 75 feet from a water body or wetland
- A holding tank is not allowed for a first-time system.

Sec 15. Land Use Standards

Sec P: Vegetation Removal

- Now called: *Clearing or Removal of Vegetation for Activities other than Timber Harvesting.*
 - To distinguish Timber Harvesting from other clearing
- New sapling provision required
 - Retaining existing natural vegetation under 3' and natural ground cover, and retaining at least 5 saplings in each 25-foot x 50-foot plot
 - Allows new tree growth and prevents ground erosion

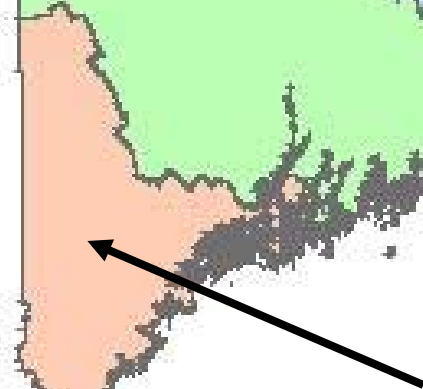
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