

**Reminder:**

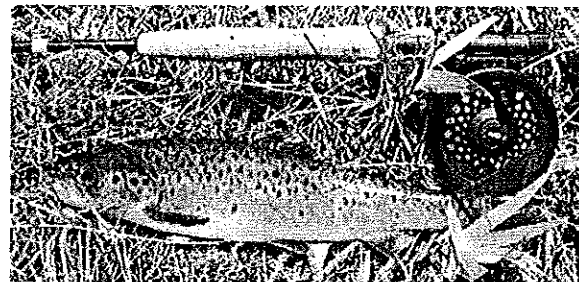
On a biennial basis, municipal code enforcement officers must file a report with the Department summarizing essential transactions of that office. The report, required by law (38 M.R.S.A. §441.3.C), must include permit as well as enforcement data. By the time you receive this newsletter, all code officers should have filed their respective reports with the Department. If you did not receive a reporting form, or have misplaced the form, please contact us. *(NOTE: At printing time we have received reports from only 58% of the ~450 towns required to report. Failure to submit a report will be a consideration should formal enforcement action be sought).*

**Contact Us:**

Rich Baker, Coordinator, Augusta: 287-7730  
 Tracey Thibault, Bangor: 941-4116  
 Mike Morse, Portland 822-6328

**Questions & Answers:**

- Q. Our last copy of the shoreland zoning map has disappeared or is too faded to read. Now what do I do?
- A. The town should **always** have a copy of the original in a file somewhere, however if you are unable to locate it then contact us. The Department maintains files for every organized town. The file includes a copy of the ordinance and map, subsequent amendments thereto, and other miscellaneous correspondence. We are willing to release our copy to a municipal official for several hours so that individual may make a copy at a local copy center. Note, however, that if a certified copy cannot be located, the town may need to formally re-adopt the map.



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF LAND AND WATER QUALITY,  
 17 STATE HOUSE STATION  
 AUGUSTA, ME 04333



# SHORELAND ZONING NEWS

Volume 17, Issue II

Summer 2004

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**Please Share**

*For over ten years, the Shoreland Zoning News has been helping town officials better understand the common issues surrounding shoreland zoning administration and enforcement. At least that is the feedback we've been getting. Unfortunately, we also hear that the News is not getting to everyone who would like to see it.*

*We keep our costs and mailing list manageable by sending four copies to one locally designated contact person to distribute to the selectmen, planning board, appeals board and code officer. If you are the contact person, please make sure the newsletters reach the other town officials.*



## ✓ Replacement of a Nonconforming Structure

Several times a year the shoreland zoning staff receives complaints regarding replacement structures that are significantly larger than the previously existing structure. Sometimes the replacement structure meets the water setback requirement so it is not subject to the statutory expansion limitation for nonconforming structures. Other times, however, the replacement structure is not fully outside the setback area and the new structure is problematic in regard to the 30% expansion limitation.

When a nonconforming structure is removed, or damaged or destroyed by more than 50% of the market value of the structure, it can only be replaced if it is built such that the setback requirement is met to the greatest practical extent, as determined by the planning board. The new location of the replaced or rebuilt structure must be determined based on the size of the previously existing structure, not based on the size of the structure that the owner wishes to build.

The Department has documented cases where a small cottage near the shore of a lake has been removed, only to be replaced by a very large building, with a significant portion at less than the required setback. How

does this occur?

Often it occurs because the planning board misinterprets the shoreland zoning rules. The board incorrectly believes that the replacement building can have the same amount of floor area and volume, plus 30% more if the previous structure hadn't been expanded since January 1, 1989, within the setback area. In addition, the board permits an even greater expansion outside the setback area. The result is a very large structure that extends into the setback area. The small cottage now becomes a five bedroom home with a large deck and a two-car garage, and it is still nonconforming in relation to the water setback requirement.

What actually needs to occur is that the planning board must prohibit any of the structure to be rebuilt within the setback area if a replacement structure the same size as the old structure can be built outside the setback area. Only after a replacement structure of equal size can not be fully located outside the setback area can there be part of the new structure within the setback area. Only after the location of an equal size replacement structure is determined can the owner consider

*(Continued on page 2)*

(Continued from page 1)

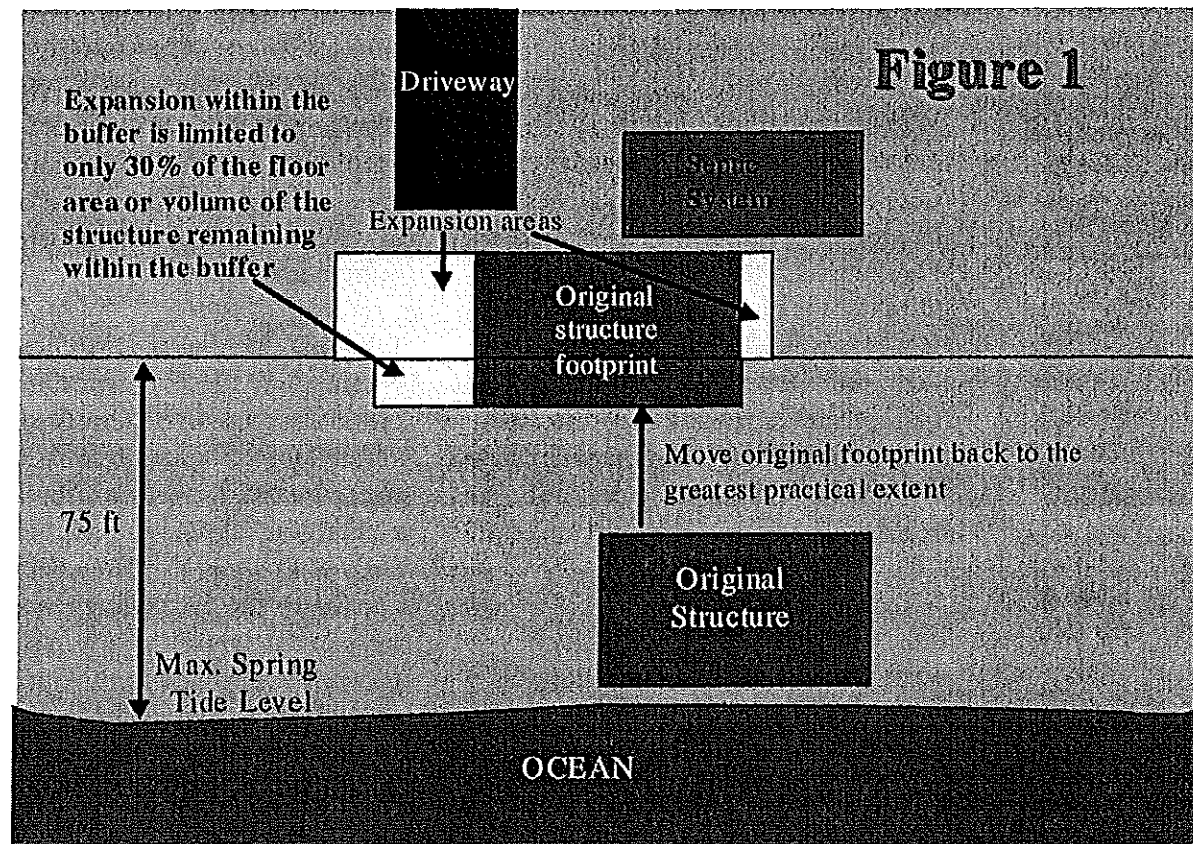


what the allowable increase in size, if any, can be within the setback area. If the replacement structure of equal size can fit outside the setback area, no portion of the rebuilt structure can be permitted within the setback area. If the rebuilt structure can only partially be setback outside the water setback area, the 30% expansion allowance for the new building can only be based on that part of the new structure that cannot meet the setback requirement. The purposes of the nonconformance provisions are not met if the town allows a replacement structure that can meet setback requirements to be replaced inside the setback area.

Here are several recommended steps a planning board should consider when processing those applications where >50% of the structure is proposed to be removed and the structure expanded:

- 1) Determine where the existing building footprint can be located to meet the setback requirement to the greatest practical extent;
- 2) If the entire footprint is beyond the minimum setback then no portion of the structure or additions can be added within the buffer area;
- 3) If a portion of the existing structure's footprint is still within the buffer area after determining the greatest practical extent then the owner may expand only that portion of the structure by no more than up to 30% within the buffer area;
- 4) Any portion of the structure that is located greater than the minimum setback distance from the resource may be expanded without the 30% restriction so long as the expansion does not violate the 20% lot coverage and any other applicable standard or causes excessive vegetation clearing beyond the allowed clearing provisions. (Note that expansions should not occur on the building side opposite the water if the greatest practical extent was properly considered. Expansions sideward or up would be appropriate.)

A diagrammatic example of the above discussion is provided below (figure 1):



## Conflict Resolution: NRPA vs. Shoreland Zoning

This article is written in light of recent conflicts between two regulatory programs, the Mandatory Shoreland Zoning Act, administered locally via an ordinance, and the Natural Resources Protection Act (NRPA), which is administered exclusively by the DEP. The Mandatory Shoreland Zoning Act requires municipalities to regulate land areas within 250 feet of great ponds, rivers, tidal waters, and freshwater and coastal wetlands, and within 75 feet of certain streams. Setback requirements for structures vary, but commonly are either 75 feet or 100 feet.

The NRPA, among many other aspects, regulates the placement of a structure near protected natural resources. Under the NRPA, adjacency jurisdiction extends 75 feet from the shoreline of a waterbody. Normally, the Department requires structures that are not water-dependent to be set back 75 feet from a water resource unless there is no practical alternative.

Conflicts between the two programs have occurred where the Department has approved a municipal ordinance with a 25-foot setback requirement (e.g. General Development District), yet the NRPA still requires a 75 foot setback. Particularly troublesome is that the Department has established by rule (State Guidelines) lesser setbacks in certain situations, then reviewed and approved the town's ordinance that has adopted the lesser setback.

We will look to modify NRPA standards in the near future such that setback requirements will be no more stringent than those in the town's shoreland zone. However, we cannot legally adopt this as a policy in the interim because it directly contradicts the rule. On a case by case basis, staff will take into consideration the town's setback requirement when reviewing any application. New development as close as 25 feet to the resource may be allowed in these situations provided it is in an area already developed.

Please recognize that these matters will continue to occur in those instances where Department staff reviewing permit applications under the NRPA are unfamiliar with local zoning requirements. In those cases a simple telephone call from the applicant or municipal official to Department staff should mitigate the conflict.



## Common Oversights—Application Review

Did you remember?

There are several things that are important to remember to check when reviewing a Shoreland Zoning Permit application that sometimes get overlooked. One of these is the cleared opening limitation. It is important that applicants put current and proposed clearing on their plot plans. This helps make sure they are not clearing more than 10,000 square feet or 25% of the lot area within the shoreland zone and that this clearing is all beyond the buffer area.

Another issue is lot coverage. In most zones 80% of the lot must remain vegetated. This includes all the land in the shoreland zone that is to be covered by walks, drives, or structures. If the legal expansion of a non-conforming structure would cause the landowner to exceed the 20% lot coverage limitation or if the property already exceeds the 20% lot coverage limitation, then the expansion must be denied.

Landowners also often forget that all applications that involve soil disturbance and require a permit must have a written erosion and sedimentation control plan to accompany their permit application. All projects involving soil disturbance must use adequate measures to prevent erosion and sedimentation including, but not limited to, silt fence, hay/straw mulch, and riprap, as appropriate.



**Reminder:**

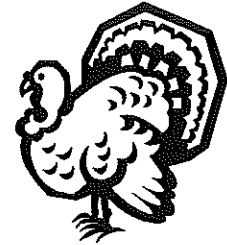
Quite frequently we receive calls with questions pertaining to proposed variances that are to be reviewed by a municipal board of appeals. In some cases we receive written notification from towns of an upcoming hearing about a variance application. However, we often do not receive notification of the town's decision in such a matter. Municipalities are required to submit a copy of all variance decisions (affecting shoreland zoning standards) to the Department within 14 days of a decision. Please remember to forward these decisions to the Department. For those that consistently remember, keep up the good work!

**Contact Us:**

Rich Baker, Coordinator, Augusta: 287-7730  
Tracey Thibault, Bangor: 941-4116  
Mike Morse, Portland 822-6328

**Questions & Answers:**

- Q. Does a river have to flow directly into a great pond in order to require a 100' minimum setback instead of 75'?
- A. No. If a river eventually flows into a GPA great pond either directly or indirectly through another waterbody then the minimum setback on the river must be 100 feet. One such case is the Crooked River in Casco. The Crooked River is a river by definition and indirectly flows into Sebago Lake. Before entering Sebago Lake it flows into the Songo River, which directly flows into Sebago Lake. As such, the Crooked River must have a minimum buffer area of 100 feet up to the upstream limit where it first becomes a river (Albany Brook).



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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# SHORELAND ZONING NEWS

Volume 17, Issue III

Fall 2004

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Replacement of a Non-conforming Structure: Part II;	3
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## Guidelines to be Amended

Department staff is readying draft amendments to the *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances*, last amended in 2000. The draft is not yet ready for public distribution, but the shoreland zoning staff expects to complete it by February of 2005. After the draft is completed we will send copies to each of the municipalities and anticipate holding public informational meetings on the proposed amendments. Afterward, the Department will ask the Board of Environmental Protection to authorize a public hearing or comment period before asking the Board to approve the changes.

The Department of Environmental Protection is not planning to amend the timber harvesting standards at this time. The Department of Conservation (DOC) is currently drafting state-wide timber harvesting standards, but they have not yet been enacted. When the state-wide timber harvesting standards are adopted by the DOC the shoreland zoning unit will include those amendments in our Guidelines.

Another reason the Department is recommending changes to the shoreland zoning Guidelines document is that many people remain confused over coastal setback issues. Individuals, and some towns, still consider coastal setbacks as measured from mean high water, rather than the maximum spring tide level (i.e.: upland edge of the coastal wetland).

Finally, the Department recognizes that there are other areas of the Guidelines that are not clear, or are deficient. When the draft is completed we will explain proposed changes at regional meetings.

You may be asking yourselves why the Department is proposing changes to the Guidelines at this time. First, the Legislature has amended the clearing/buffer standards pursuant to the Natural Resources Protection Act for water bodies that are not shoreland zoned. Those amended clearing standards have already been adopted by the Land Use Regulation Commission for its unorganized territories. The Department now plans to amend its clearing standards for shoreland areas in organized municipalities so that they are consistent throughout the State. The changes, if adopted by the Board, will result in a modified "point system", will limit footpaths to six feet in width even on coastal properties, and will require vegetation less than three feet in height to be maintained in the setback/ buffer area in all shoreland areas.



### Please Share

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## New NRPA Point System

This past Legislative session yielded a fairly significant change to the Natural Resources Protection Act (NRPA) exemption pertaining to cutting or clearing of vegetation adjacent to protected natural resources that are not subject to shoreland zoning laws (38 M.R.S.A. §480-Q.23). This change does not affect your local shoreland zoning authority, rather it applies only to those areas around protected resources that do not fall under shoreland zoning regulations. The NRPA is a distinctly separate set of regulations than shoreland zoning, but it will eventually become important for you to understand the content of the change.

The NRPA amendment utilizes a plot size double that of the shoreland zoning *point system*, a 25 foot by 50 foot plot instead of a 25 foot square area. Tree diameter point assignment differs as well. Trees from 2 to 4 inches in diameter are still worth one point, while those 4 to 8 inches are worth 2 points. Trees 8 to 12 inches are worth 4 points, and those 12 or more inches are now worth 8 points. Note that there are four tree size classes in which to achieve points. The number of required points in any plot is expectedly different in that it requires that one maintains a minimum of 16 points in all areas.

Another deviation from the Guidelines includes a provision that allows no more than 50% of the points on any plot to be from trees greater than 12 inches in diameter, where conditions permit. In addition, vegetation under 3 feet in height must be retained in *all* areas, not only around great ponds. Furthermore, at least 5 saplings less than 2 inches in diameter must be retained in all plots.

Why are we telling you, primarily an audience made up of municipal officials, about these changes to a law administered exclusively by the DEP? It is important to know that these same changes will be incorporated into the *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances* (Guidelines) in the very near future. As you read in our feature article, we are in the process of

finalizing draft changes to the Guidelines. Municipalities will eventually be required to adopt amendments to local ordinances that incorporate these changes.



## Normal High-Water Line Confusion Cleared Up

With frequency, the Department's Field Services & Enforcement staffers make site visits with Code Enforcement Officers, property owners, contractors, surveyors, and others to determine the extent of the Department's regulatory authority under various laws administered by the Department.

Quite often the issues at a site are natural resource based and staff is asked to determine the upland edge of a wetland or the normal high-water line (NHWL) of a waterbody. Generally, our field services and licensing staff are making a determination of NHWL as it applies to the Natural Resources Protection Act (NRPA) only. Municipal officials and others can become entranced with the Department's NHWL determination techniques and lose focus of a very important issue, that the NHWL determination is not necessarily the same as it may be under the town's shoreland zoning ordinance.

Most town ordinances define the normal high-water line as State shoreland zoning guidelines suggest. This definition is identical to the NRPA definition of NHWL, except that the shoreland zoning definition adds the following language: "[i]n the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water." In most cases the NHWL determination is consistent with the NRPA determination. However, in those cases where there is wetland adjacent to a great pond or river that occurs at or below the higher water level of the year, those wetlands are technically considered to be part of the river

(Continued on page 3)

## Contract Zoning Reminder

For those municipalities that implement contract zoning within shoreland zoned areas, please note that the Department must review each contract that the municipality approves within shoreland areas, just as we review all other ordinance amendments.

(Continued from page 2)

or great pond. Structure setbacks would begin at that point.

We have seen instances where the NRPA and shoreland zoning NHWL determinations differ by as much as 60 feet. In one particular case the CEO based his local shoreland zoning setbacks on the NRPA NHWL determination. Significant wetlands were present, which resulted in a new structure located not only immediately adjacent to, but even over the lake. Fortunately the structure was a wooden walkway (approximately 100' long) and it was easily (relatively speaking, of course) moved back from the lake during the resolution of other violations on the site.

Department staff dealing with NRPA issues will continue to make a strong effort to inform the interested parties that their normal high-water line determination is based solely on the NRPA definition, and not the shoreland zoning definition. Meanwhile, people (municipal officials especially) should be very aware of this potential discrepancy and appropriately apply their local ordinance. If a municipal official desires assistance in determining where the normal high-water line is based on their ordinance language, some of the Department's field services staff are qualified to assist in this matter, or you may contact the Department Shoreland Zoning Unit staff person in your region. (Our contact information is located on the last page of this newsletter)



*We're Looking for Some Good Stories and Questions!!!*

Have any good tales from the field? Nightmares from the courtroom? Questions that frequently arise? Feel free to contact us with these quips and we will consider sharing the stories in this newsletter in an effort to help others. The Shoreland Zoning News is intended to provide you with information to help you do your job!

## Replacement of a Structure: Part II ✓

After our last edition of the Shoreland Zoning News we were contacted by a CEO from a town that adopted and administers the alternative to the 30% expansion rule. He requested that we clarify the non-conforming structure replacement standards under this alternate provision, much like we did in our last edition for those towns with the standard 30% expansion rule.

As you may be aware, the alternative to the 30% expansion rule is an optional method of limiting expansions of non-conforming structures based on certain criteria. Here are the highlights:

- No portion of a structure located within 25 feet of the shoreline may be expanded;
- For structures located less than 75 feet from the shoreline, the maximum combined floor area for all structures is 1000 square feet, and the maximum building height is 20 feet or the height of the existing structure, whichever is greater;
- For structures located less than 100 feet from the shoreline of a great pond or river flowing to a great pond, the combined maximum floor area for all structures is 1500 square feet and the maximum building height is 25 feet. However, no more than 1000 square feet may be within 75 feet of the waterbody.

This alternative language replaces only the *30% expansion* section of most ordinances (Section 12-C(1) of the Guidelines), and therefore the relocation, reconstruction or replacement, and change of use provisions still apply as usual. The replacement of 50% or more of the market value of a structure would then require the replacement structure to meet the shoreline setback to the greatest practical extent. That said, if one has a 1600 square foot structure located 7 feet from a great pond and the "greatest practical extent" is determined to be 60 feet from the water, the structure must be moved to 60 feet from the water even though the size doesn't conform to the maximum allowable floor area. Obviously an expansion within 100 feet of the pond would not be allowed, since the structure is already greater than 1,500 square feet in total floor area.



## Notes from the Shoreland Zoning Unit

The Shoreland Zoning Coordinator for the Eastern Maine Regional Office, in Bangor, has been hired!

Stephenie McGarvey joins us after many months working in the Central Maine Regional Office in Field Services and Enforcement. She spent the past several years working in natural resource fields and as a coordinator for other organizations. She's eager to help out Maine's eastern towns with shoreland zoning questions, and will be writing the Shoreland Zoning Newsletter.

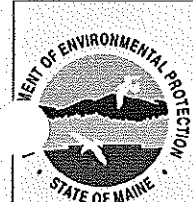
Rich Baker, Mike Morse, and Eric Hitchcock continue to serve towns in Central Maine, Southern Maine, and Northern Maine respectively. Feel free to contact the person who is assigned to your region with questions regarding shoreland zoning.

**A reminder:** Amendments to ordinances are coming in for review, and towns are requesting assistance with drafting new ordinances and maps. This is expected to increase as we approach the July 1st deadline. Please be patient as it may take us a day or two to return phone calls and emails. To help us out, remember your camera when you do a site visit. Attach the photos to an email if you need our help; this will save us time in having to conduct site visits. 📷

### Contact Us

Augusta	1-800-452-1942	Rich Baker, Coordinator 287-7730
Bangor	1-888-769-1137	Stephenie McGarvey 941-4116
Portland	1-888-769-1053	Mike Morse 822-6328
Presque Isle	1-888-769-1053	Eric Hitchcock 764-0477

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# Shoreland Zoning Newsletter



Volume 21, Issue 2

Fall 2008

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### Share the News

Please distribute to the Select Board, Planning Board, Appeals Board, and the Code Enforcement Officer.

We're online! New and old Newsletters are available at: <http://www.maine.gov/dep/blwq/docstand/szpage.htm#publicationsz>

### About the News

For over 15 years, the Shoreland Zoning Newsletter has been helping town officials better understand common issues regarding shoreland zoning administration and enforcement. Your feedback is always welcome. Submit comments and Your Questions to [stephenie.mcgarvey@maine.gov](mailto:stephenie.mcgarvey@maine.gov)

## Updating Shoreland Zoning Ordinance

The last several Newsletters have focused on the changes to the State Guidelines For Municipal Shoreland Zoning Ordinances and how they affect towns in drafting new ordinances. This focus continues in this issue.

### Draft Review vs Final Approval?

First towns draft a new ordinance analogous with the Guidelines. Then, the town adopts it. Once adopted, submit the ordinance to the Department of Environmental Protection for approval. The Shoreland Zoning Unit is available to review draft ordinances, but the Department will still need to approve the adopted one.

### Revised Moderate & High Value Wetland Maps are Coming:

Maps depicting moderate and high value inland waterfowl and wading bird habitat are being updated. Most towns have received revised maps. Updating will be complete in Octo-

ber. The maps aid in updating towns' shoreland zoning maps; these areas are to be designated as Resource Protection unless already developed.



### Timber Harvesting Regulation:

Some versions of the Guidelines don't include certain language required! If the town chooses to repeal municipal regulation of timber harvesting, then please make sure that: Section 4(B) under the 1st bullet, replace "column" with "item" and include "item 27 (land management roads)"; under the 3rd bullet include the definitions for "skid trail" and "slash". Definitions Section: omit "DBH" as it isn't in the Ordinance.

### Effective Date of Ordinance:

If the town is adding the optional provision in Section 12(E)(3), pertaining to non-conforming lots, then

Continues on PG 2

## 30% Expansion, Greatest Practical Extent ✓

When a new or enlarged foundation is being proposed and/or removal of greater than 50% of the market value of a non-conforming structure, then the planning board must determine where the structure can be located to meet the setback requirement to the greatest extent practicable.

The planning board should first determine the new location for the

footprint of the original structure. Once determined, the expansion of that structure can be considered.

No expansion is allowed closer to the resource than the relocated structure, because that would cause the structure to become more non-conforming. This is so, even if the reconstructed/expanded structure would be farther from

Continues on PG 3

## Ruling on a Variance Request

One of the duties of the Board of Appeals is to rule on variance requests. A variance is required if an applicant wishes to deviate from the shoreland zoning ordinance dimensional standards. While the applicant may feel they qualify for a variance, it is up to the Board to determine whether they meet the conditions required for granting a variance.

The applicant must also show that without the variance undue hardship would result. There are four criteria Boards must use to determine this. The most difficult criterion for the applicant to show is that without the variance the land cannot yield a reasonable return.

Only when all beneficial use is removed by not granting a variance has an applicant lost all reasonable return. Maximum return is not reasonable return. If an applicant requests a variance from the

setback for a dwelling but could use the land for day-use, camping, or another use, then a variance should not be granted. Even if the value of the land drops from \$60,000 to \$10,000, not all reasonable return / beneficial use has been lost.

There is set precedence by the Maine Supreme Court: Bolduc versus Town of Beddington (2007) and Bernard versus Town of Yarmouth (1974) state that loss of greatest return does not mean all return is lost. Further, Wyer versus Department of Environmental Protection (2000) set that reduction in property value is not a taking, and burden of proof of undue hardship is on the plaintiff.

Review the Appeals Section of the town ordinance in preparation for ruling on a variance request. The Board of Appeals Manual published by the Maine Municipal Association is also a valuable tool. 🐟

## Update continued

one of the following must be included: Either the date is referenced in Section 4(A) of the town's ordinance adopted in 1990s when lot size and shore frontage requirements were increased, or in the optional provision replace "the effective date of this ordinance" with the date of the town's ordinance adopted in the 1990s. This ensures that the grandfathering of non-conforming lots does not extend to the date of this newly amended provision.

The deadline for mandatory updates is July 1, 2009!

are also online at: <http://www.maine.gov/doc/nrimc/mgs/pubs/online/bluffs/bluffs.htm>

### Appendices

There are two appendices in the Guidelines. Towns may not have to include one or both. If the town adopts the Alternative to the 30% Expansion Rule, then Appendix A should replace the 30% Rule language in Section 12(C). Appendix B should only be included in ordinances of

towns that have Significant River Segments. If the town does not have any Significant River Segments, then all reference to them should be removed, including its Definition and references in Sections 15 (B)(1)(b), 15(H)(3), and 15(M)(3).

### Deadline will not be extended

The deadline for mandatory updates is July 1, 2009. The Department is not anticipating any more extensions to this deadline. After July 1st, the Department will begin adopting state-imposed ordinances for the towns that have not adopted the new requirements. 🐟

### Coastal Bluffs Setback

There's a new setback starting point to be aware of. Protection of unstable and highly unstable coastal bluffs has been introduced in Section 15(B)(1)(c). When measuring the setback for principal structures, start from the top of the coastal bluff. The depth of the shoreland zone is still measured from the Highest Annual Tide or upland edge of the wetland.

Coastal bluff stability is mapped by the Maine Geological Survey. Towns were sent these maps, and

## Checklist Before Snow Flies...

Code Enforcement Officers, prepare for winter:

1. How are revisions of the town ordinance and map progressing? Does the Planning Board need assistance?
2. Double check that winter erosion control measures are planned for on-going projects.
3. Document status of any restoration projects.
4. Check on new stream crossings and other sites likely needing prevention of erosion from fall rains and thaw.\*
5. Evaluate areas of proposed changes on the Town Shoreland Zoning Map, particularly wetland areas.
6. Make a list of docks of concern you may want to check this winter for whether they are in fact temporary.\*
7. Make a list of individual private campsites of concern you may want to check this winter for whether they are in fact temporary.
8. Check vegetative buffers at current project locations and recently completed project locations.
9. Schedule any winter trainings you're interested in.
10. Enjoy the hunting and leaf-peek season!

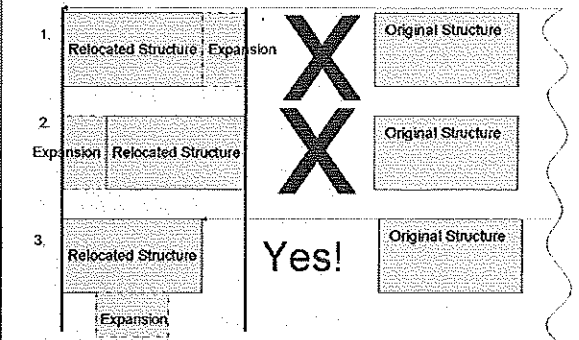


\* Some towns don't regulate structures and uses extending over or below normal high-water line. 🐟

## Expansion continued ✓

the resource than was the original structure. The expansion must occur beside or behind the relocated structure.

Below, #1 & #2 show where the new



setback was determined based on the reconstructed/expanded structure. Whether or not the expansion is in front or behind the relocated structure, the result is that the structure is closer to the resource than if the new location was determined based on the original structure excluding the expansion, like #3.

Example #3 depicts the ordinance being applied correctly. The expansion proposed is subject to the new setback. 🐟

## Your Questions

**Q: My town is considering a town-wide land use ordinance. What are the pros and cons to combining the shoreland zoning ordinance with other land use ordinances?**

**A:** The benefit is that it's simpler to find standards, having to reference only one document regarding land use ordinances. Wording the ordinance may not be as simple: There are many land use provisions in the shoreland zone that a town may not want to apply town-wide, and it can be tricky writing the ordinance to state which provisions apply where. Additional guidance through professional planners may be needed.

Amending the town-wide ordinance can also be tricky: Whenever a provision that applies in the shoreland zone is amended, that amendment must be reviewed by the Department of Environmental Protection before it becomes effective.

Also consider the zoning maps: The shoreland zoning map must be consistent with the ordinance text. For example, the titles of districts must be consistent in the land use table of the text and on the map. Towns with complex district maps may find it difficult to depict all the town's zones on one map. Using GIS technology may be helpful in creating zoning maps, but not all towns have these resources. 🐟