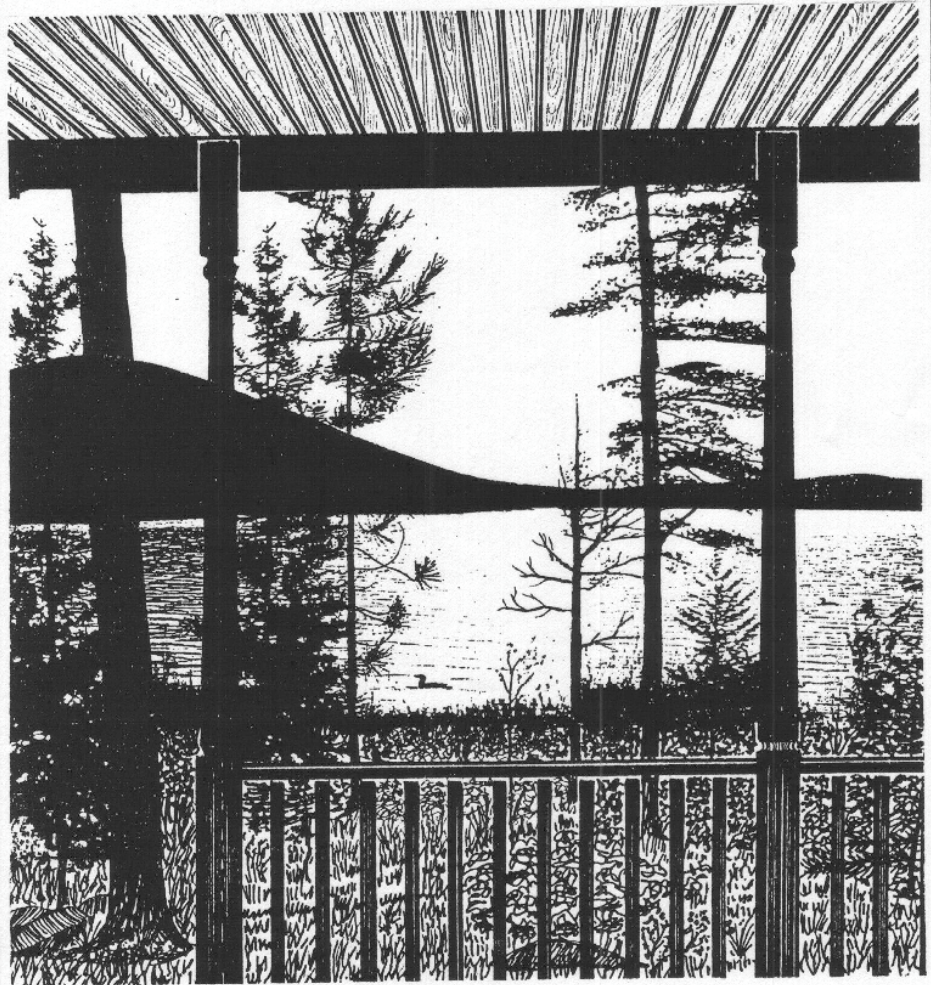


# MAINE SHORELAND ZONING

A HANDBOOK FOR  
SHORELAND OWNERS



Maine Department of Environmental Protection

DEPLW0674-C04



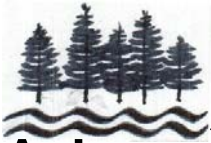
# MAINE SHORELAND ZONING

## A HANDBOOK FOR SHORELAND OWNERS

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## Acknowledgements

This handbook was prepared for the Maine Department of Environmental Protection (DEP) by Kent Associates, Planning & Design Consultants in Gardiner, Maine. Brian Kent prepared the text, handbook design and most of the illustrations. Alison Truesdale of LandForms provided editorial and layout expertise, and Anne Doiron did the word processing. Jon Luoma's artwork, from other state publications, has also been used.

Richard Baker and Dan Prichard in DEP's Shoreland Zoning Unit initiated this work and provided invaluable guidance and comment. Additional review assistance was provided by the DEP's Val Whittier and Karen Hahnel.

This publication was funded, in part, with a grant from the USEPA under assistance grant number C900178193.



### NOTE

**This handbook is for informational purposes only. It explains the state's Shoreland Zoning Law and Guidelines, in words and pictures, for shoreland owners. It is not a substitute for the law, the Guidelines, or municipal Shoreland Zoning Ordinances. For specific information about your local shoreland zoning provisions refer to your municipal ordinance.**

Published in October, 1998

## The Purpose of this Handbook

### Introduction

Most land uses within 250 feet of Maine's rivers, wetlands, lakes, the ocean, and within 75 feet of certain streams are subject to the regulations of Maine's Mandatory Shoreland Zoning Act. The law protects water quality, limits erosion, conserves wildlife and vegetation, and preserves the natural beauty of Maine's shoreland areas.



### A Handbook for Landowners

This handbook is designed to help landowners understand the state's Mandatory Shoreland Zoning Act.

It explains:

- where the law applies;
- the roles of state and municipal government in administering the law;
- mandatory and optional provisions of the law; and
- the state's minimum requirements.

Whereas the first part (pages 2 to 6) of this handbook describes the state shoreland zoning law in broad terms, the second part focuses on the state "Guidelines" (also known as the "model ordinance") and the key provisions of the law; it describes:

- types of shoreland districts;
- how to deal with "non-conforming" buildings, lots and uses;
- allowable uses;
- basic construction and clearing standards; and
- the role of municipal officials.





## The Law

### Maine's Mandatory Shoreland Zoning Law

#### *A Success Story*

Since 1971, citizen planning boards, local officials, and legislators have shaped and honed the state's shoreland zoning law. Today it is recognized as a national model of responsible environmental legislation.

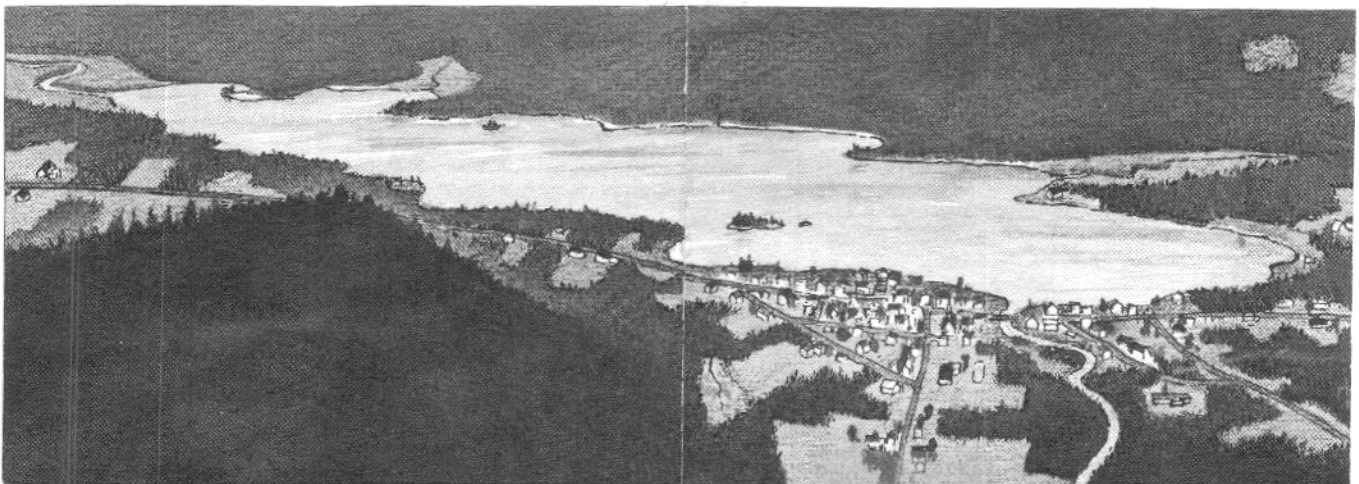
Although it is difficult to gauge the cost of not enacting shoreland regulations, it is clear that Maine citizens and visitors benefit enormously from clean, clear lakes and streams; a healthy fishery; tree-lined shores; and an economy fueled, in part, by a healthy environment.

#### *A Historic Perspective*

First enacted in 1971, shoreland zoning has stood the test of time. Indeed, the law has been strengthened and amended over the years in response to environmental and citizen concerns.

Initially, towns were slow to enact shoreland zoning controls, but by 1974, all Maine towns had locally adopted or state imposed ordinances. Since then, the law has been expanded to include wetlands and streams (1989), and new guidelines were adopted in 1990.

Clearly, shoreland zoning makes sense to Mainers. It will, no doubt, continue to be fine-tuned, but the original intent of the law is just as valid today as it was decades ago.







## Why Zone Shoreland?

### *Responsible Development*

Development that is too close to the shores of lakes, rivers, wetlands, and the ocean can cause soil erosion and a decline in water quality. Poor construction practices can be unsightly, destroy valuable natural habitat, and reduce property values. Shoreland zoning protects the environment, encourages responsible development, and prevents development that does not protect the public's interest in healthy shoreland and waters.



### *The Purposes of the Law*

The purposes of shoreland regulations are to:

- prevent and control water pollution;
- conserve natural beauty and open space;
- conserve shore cover;
- protect freshwater and coastal wetlands;
- protect fish spawning areas, aquatic life, bird and wildlife habitat;
- protect buildings from flooding;
- control the location of buildings;
- conserve public access to the water;
- protect commercial fishing and the maritime industry; and
- protect archaeological and historic resources.

Further, the state Shoreland Zoning Act establishes minimum requirements that all towns must abide by in developing their local ordinances. This helps assure a level regulatory playing field, and maintains consistency in the law across town lines.



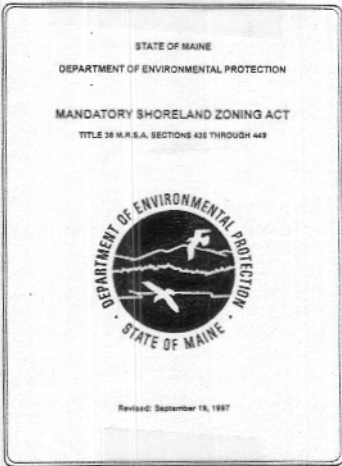


## State and Local Responsibilities

### *The State's Oversight Role*

As mentioned, your local shoreland zoning ordinance sets the rules in your municipality. The state oversees the administration of the municipal ordinances and assists towns and cities in four ways. The state, through the Department of Environmental Protection (DEP),:

- establishes minimum ordinance standards by publishing model "Guidelines for Municipal Shoreland Zoning Ordinances" (see page 7);
- provides assistance to town officials and landowners in the form of workshops, publications and staff time;
- monitors local compliance to ensure that the local ordinances are followed; and
- reviews and approves (or disapproves) local ordinances to ensure compliance with the state Guidelines and statute.



### *The Municipal Role*

The Shoreland Zoning Act requires all municipalities to enact, administer, and enforce a local ordinance.\* This means that local government must:

- adopt a shoreland zoning ordinance (and map) that, at a minimum, meets the state Guidelines, addresses all the statutory requirements of the Act, and has been approved by the DEP Commissioner;
- put administrative procedures in place to review applications and issue permits; and
- appoint a Code Enforcement Officer whose responsibility it is to enforce the ordinance provisions, collect permit fees, and record all transactions.

---

\*You can obtain a copy of your municipal shoreland zoning ordinance from your town office.



### Optional Provisions

The state's Shoreland Zoning Act allows municipalities to increase the level of protection of their shoreland areas over and above the levels prescribed in the Guidelines. Towns often strengthen their ordinances by:

#### 1. Expanding Regulated Shoreland Areas

Towns may opt to enlarge the area of the shoreland zone to include areas around forested wetlands, small (less than 10 acre) ponds, and/ or minor streams.

#### 2. Regulating Structures In and Over the Water

Towns may regulate activities and/or structures such as wharves and piers that may negatively impact water quality, aquatic organisms, and/ or scenic areas.

#### 3. Incorporating Floodplain Areas

A few towns elect to include all 100-year, floodplain areas under their shoreland zoning provisions. This approach can help reduce new construction in flood-prone areas.

#### 4. Protecting Public Access and Scenic Views

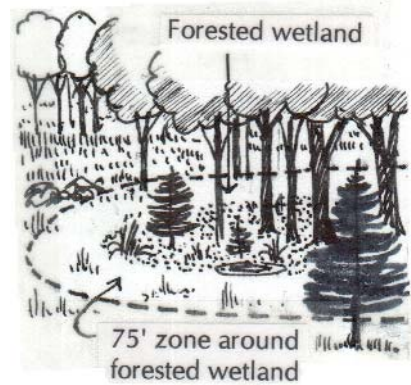
A town may use its shoreland zoning authority to protect outstanding public values within the shoreland area. For example, a town could conserve a special overlook or viewshed through appropriate zoning controls.

#### 5. Optional Wetland Zoning

A community may reduce shoreland zoning from 250 feet to 75 feet adjacent to lower value freshwater wetlands, provided that it establishes a 75-foot zone to protect the outlet streams of all freshwater wetlands.

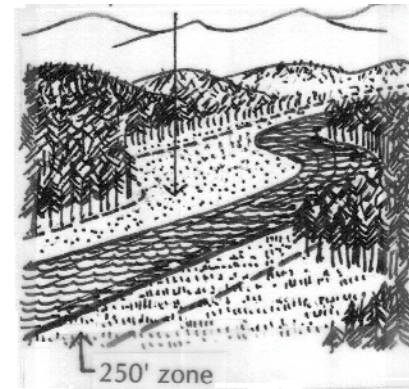
#### 6. A Special Exception

Ordinarily, the state Guidelines prohibit building in the resource protection district. However, the Act allows municipalities to amend their ordinances to permit the construction of a single-family residence in a resource protection district, under certain conditions. This special exception can only apply to buildable, grandfathered lots where there are no other reasonable, building sites outside the district.

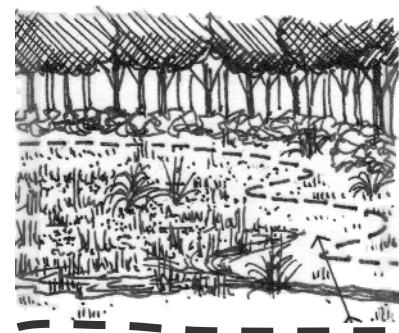


EXPANDING REGULATED SHORELAND AREAS

250' zone widens to include flood plain area



INCORPORATING FLOODPLAIN AREAS



75' protection zone around low value wetland and outlet stream

OPTIONAL WETLAND ZONING

## The Guidelines

### **The State Guidelines: An Overview**

Part II of this publication highlights the most important provisions of the state's "Guidelines for Municipal Shoreland Zoning Ordinances", also referred to as the Model Ordinance. The focus here is only on those sections of the Guidelines that are most relevant to residential shoreland owners. Please check with your local code enforcement officer before planning your project.

### ***The Purpose of the Guidelines***

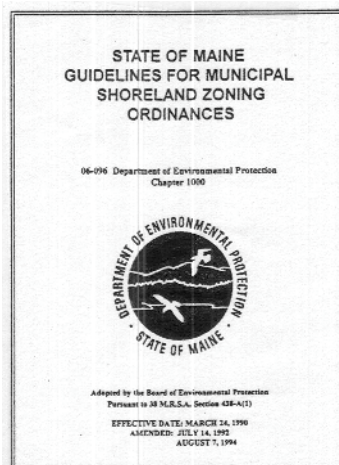
The Guidelines were written to provide municipalities with shoreland zoning standards, and serve as a model for town ordinances. They are also used by the state to determine if a municipality is in compliance with the Mandatory Shoreland Zoning Act.

### ***The Scope of the Guidelines***

The Guidelines document is written as an ordinance. It contains 17 sections that address ordinance administration, districts, allowable land uses, definitions, etc., and more than twenty sets of land use standards.

### ***State Imposed Ordinances***

When a town fails to enact a shoreland ordinance or when DEP finds that a town's ordinance is inadequate, a suitable ordinance and map, geared to the town's needs, is adopted for the town by the DEP. This ordinance is then administered and enforced by the municipality.





## Establishing Districts

### *Types of Districts*

The law requires municipalities to identify all shoreland areas and then establish specific districts or zones within those areas. Most towns establish Resource Protection, General Development, Limited Residential, and Stream Protection districts; they may also designate Limited Commercial and/or Commercial Fisheries/Maritime Activity (CFMA) districts where appropriate.

The basic criteria for the establishment of districts are summarized here; refer to the *Guidelines* for details.

### 1. Resource Protection Districts

Municipalities must map the following areas within the 250 foot shoreland zone as Resource Protection Districts, if they are undeveloped:

- 100-year floodplains on rivers or tidal waters;
- areas adjacent to freshwater wetlands, salt marshes, and salt meadows which are rated as moderate or high value for waterfowl habitat by the Maine Department of Inland Fisheries and Wildlife;
- areas with two or more acres of steep slopes (+ 20%);
- areas with two or more acres of wetland vegetation which are not part of a water body (typically, forested wetlands); and
- areas on rivers or tidal water subject to severe bank erosion.

Towns may also include:

- other fish and wildlife habitat such as deer yards, salmon spawning areas, and eagle nesting sites;
- specific natural or scenic areas that are important to local townspeople;
- public access areas; and
- archaeological and historic sites.

### 2. Limited Residential Districts

Limited Residential areas are those that are suitable for residential and recreational development.



### 3. Limited Commercial Districts

Areas suitable for low intensity, mixed residential and light commercial uses (such as a typical village area), but not industrial uses, should be designed and mapped as Limited Commercial districts.

### 4. General Development Districts

Areas of two acres or more devoted to the following or a mix of the following, should be established as General Development districts:

- manufacturing, fabricating, or other industry;
- trade, wholesaling, or retailing activities; and
- intensive recreation.

### 5. Commercial Fisheries/Maritime Activities Districts

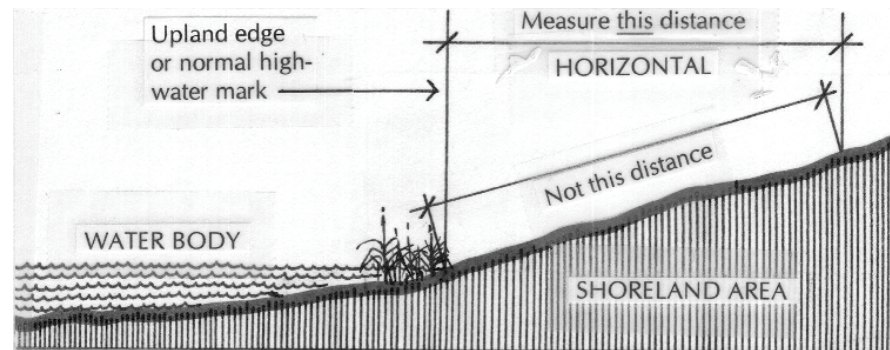
Shoreland areas with uses that are dependent on being on the waterfront (such as working harbors) should be designated as being in the CFMA district.

### 6. Stream Protection Districts

Streams outside of the 250 foot shoreland areas should be designated as Stream Protection Districts. Only the outlets of great ponds and the confluence of two perennial streams that are depicted on a United States Geological Survey (USGS) map must be zoned.

#### ***District Boundaries***

District boundaries within the shoreland area are defined by property lines, the center lines of streets or other similar features, or the edge of the natural resource being protected. The distance from the water body is measured horizontally from the normal high-water line, or in the case of a wetland, the “upland edge” (see below). Floodplain boundaries are often taken from Federal Emergency Management Agency (FEMA) maps.





# THE GUIDELINES

## The Official Shoreland Zoning Map

Every municipality must adopt and certify its own, official Shoreland Zoning Map (or maps). Drawn to a scale of at least 1 inch = 2000 feet, the map must clearly show all shoreland areas and district boundaries. Changes in district boundaries (as well as amendments to a town's ordinance) must receive approval from the DEP.

Maps that towns use for reference in preparing a shoreland zoning map typically include:

- town property tax maps;
- United States Geological Survey (USGS) topographic maps;
- National Wetlands Inventory maps; and
- Department of Inland Fish and Wildlife (DIF&W) significant wildlife maps.

The sample map below has been reduced in scale for illustrative purposes.

### ANYTOWN, MAINE

#### SHORELAND ZONING MAP

EFFECTIVE DATE: 2002-01-01

TOWN CLERK: [Signature]

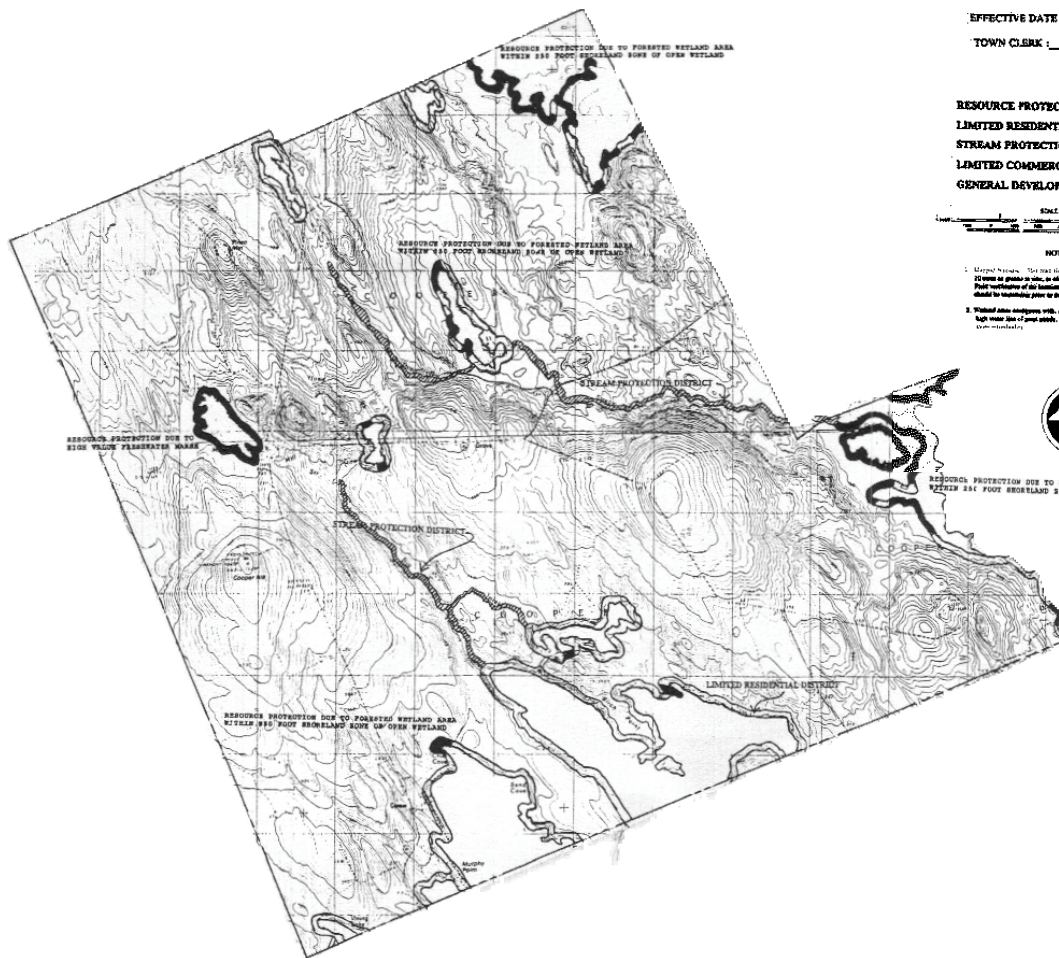
KEY

RESOURCE PROTECTION DISTRICT	[Symbol]
LIMITED RESIDENTIAL DISTRICT	[Symbol]
STREAM PROTECTION DISTRICT	[Symbol]
LIMITED COMMERCIAL DISTRICT	[Symbol]
GENERAL DEVELOPMENT DISTRICT	[Symbol]

SCALE: 1:2000

#### NOTES

1. Wetland features, tree and stream symbols are taken from the USGS 1:25,000 scale topographic maps, as updated by National Wetlands Inventory Maps. Field verification of the location of the water feature boundaries should be necessary prior to development.
2. Wetland areas are shown with, and in the same direction as the normal high water line of each stream, river, and stream on an individual map of the municipality.



**Non-Conformance**

“Non-conforming” is the term used to describe buildings, lots, and uses that do not meet current ordinance standards. Ordinances contain provisions to reduce non-conformities over time. There are, however, some allowances for limited improvements in nonconforming situations.

**Non-Conforming Structures**

Non-conforming structures are usually buildings that predate the existence of the ordinance and are sited too close to the water. They can, however, be expanded under certain conditions, as outlined below. A typical non-conforming structure is a seasonal cabin, partially or wholly within the current setback area.

**Repair and Maintenance**

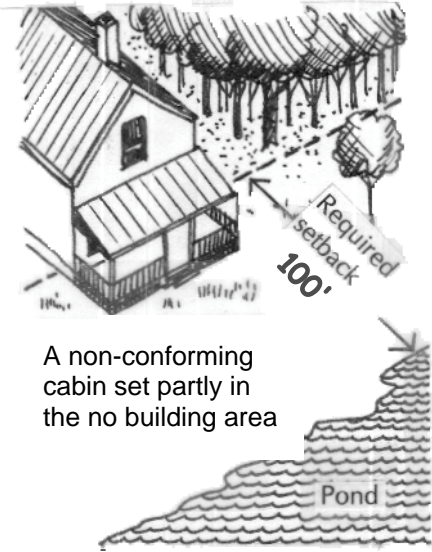
Non-conforming uses and structures may be repaired, renovated, and maintained, without a permit, provided no expansion occurs.

**No Expansion Toward the Water**

The law does not permit any expansion, including decks, towards the water or wetland if the structure is already less than the required setback from the water or wetland.

**The Thirty Percent Expansion Rule**

A non-conforming structure that existed on January 1, 1989 may be expanded by less than 30% during the remainder of its lifetime. The 30% is based on both the floor area and the volume of the structure as it existed on January 1, 1989, but only applies to the part of the building that is within the required setback. “Floor area” includes all floors, porches, and decks; “volume” includes spaces that are within the roof and fixed exterior walls.



A non-conforming cabin set partly in the no building area



9' x 10' expansion within setback (i.e. 30% of the 300 sq. ft. that is non-conforming)

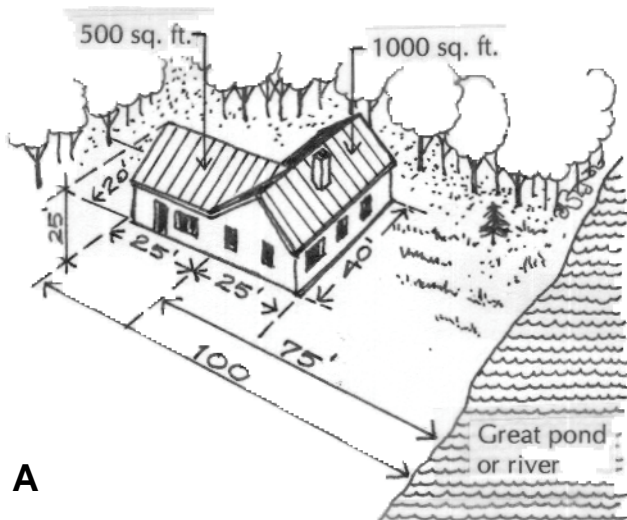
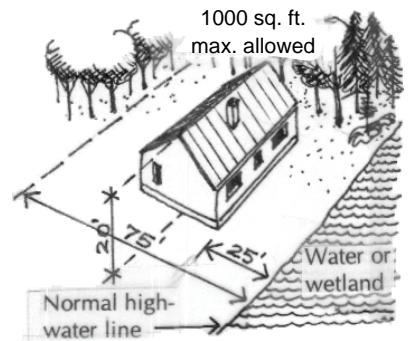


## THE GUIDELINES

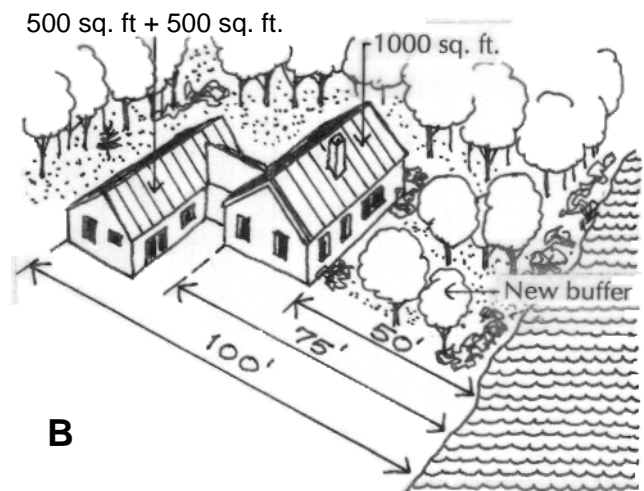
### The Expansion Option

A municipality may adopt an alternative to the 30% expansion rule for the non-conforming structures. Under this alternative:

- No expansions can occur within 25 feet of the normal high water line.
- Within 75 feet of the water or wetland, the maximum combined total floor area for **all** structures on the property is limited to 1,000 square feet. The maximum height of any expansion is limited to 20 feet or the height of the existing structure, whichever is greater.
- Within 100 feet of a great pond or a river flowing to a great pond, the maximum combined total floor area for **all** structures on the property is limited to 1,500 square feet. The maximum height permitted is 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the water must meet the standards of the preceding paragraph (see "A" below).
- An owner may be permitted to exceed the floor area limits mentioned above by up to 500 square feet if the building is at least 50 feet from the shoreline and there is a buffer of trees and other vegetation within 50 feet of the water which meets the Guidelines standards. Alternatively, the owner may plant vegetation to bring the buffer up to the Guideline standards. Other measures to address stormwater and erosion control must also be be undertaken to receive the extra 500 square feet of floor area (see "B" below).
- Planting plans and other mitigation measures must be in writing and filed in the local Registry of Deeds.



A



B



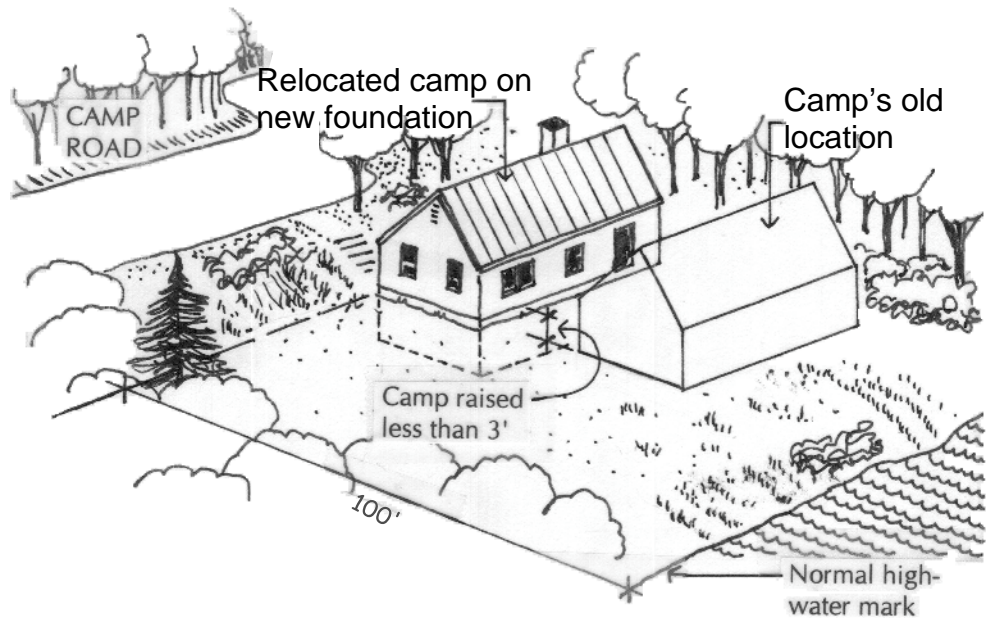
***Basements, Relocations, and Reconstruction***

**Basements**

A new or enlarged basement built under an existing structure is not considered an “expansion” if: (a) the structure and new foundation are set back from the shoreline as much as possible; (b) the completed foundation does not extend beyond the exterior dimensions of the structure; and (c) it does not result in the structure being raised by more than 3 feet (see diagram below).

**Relocations**

A non-conforming structure can be moved, provided it meets setback requirements to the greatest practical extent and that sewage disposal requirements can be met.



**Reconstruction**

If a non-conforming structure is damaged or destroyed and loses more than 50% of its value, it may be reconstructed if a permit is obtained within one year, and if the reconstruction meets shoreline setback requirements to the greatest practical extent.

When less than 50% of the value is lost, reconstruction may occur within the footprint of the old structure, with a permit from the code enforcement officer.



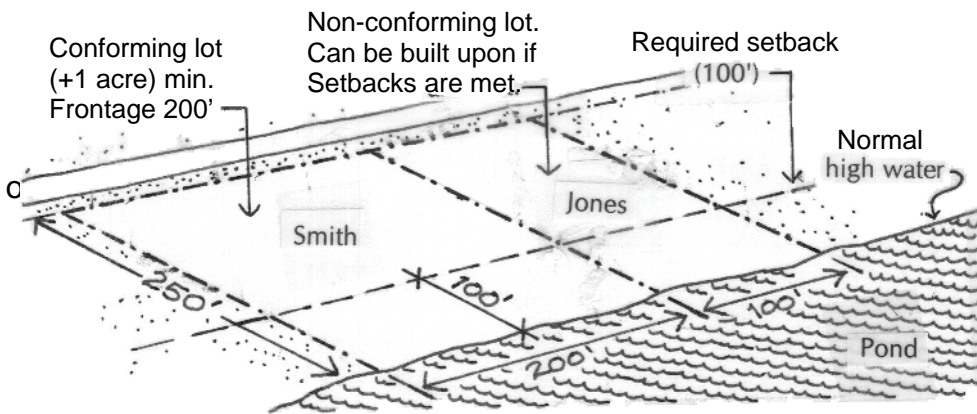
### Non-conforming Lots

#### An Example

A legal, non-conforming lot is a lot that does not meet the current size, frontage, and/or width requirements, but predates the local ordinance standard with which it does not conform.

#### Building on “Grandfathered” Lots

If all requirements except lot size and frontage can be met, construction is allowed without a variance. A variance from the Board of Appeals is needed if setback and other standards cannot be met.



#### Building on Contiguous Lots

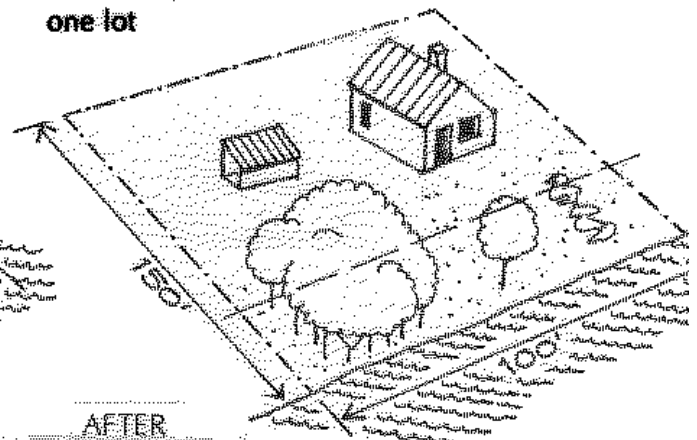
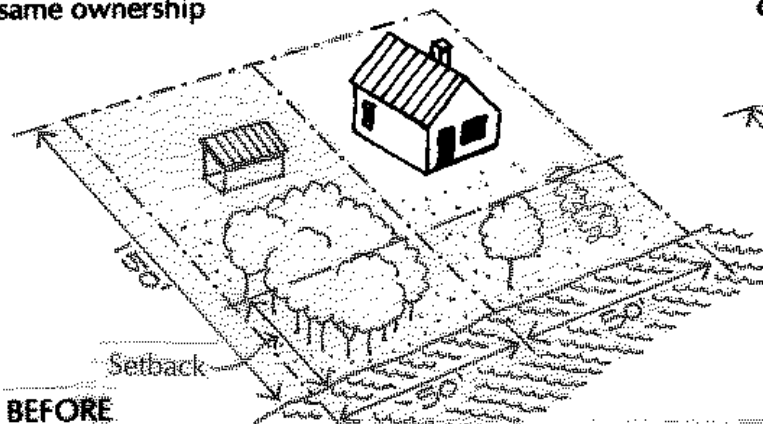
Adjacent lots that were under the same ownership at the time the ordinance was adopted must be combined as one lot unless each lot:

- contains at least 20,000 square feet;
- has 100 feet (or more) of frontage; and
- has soils suitable for on-site sewage disposal or is served by a public sewer.

An owner may reconfigure the lots to achieve these results, if permitted by the local ordinance.

Two non-conforming lots in same ownership

Must be combined into one lot



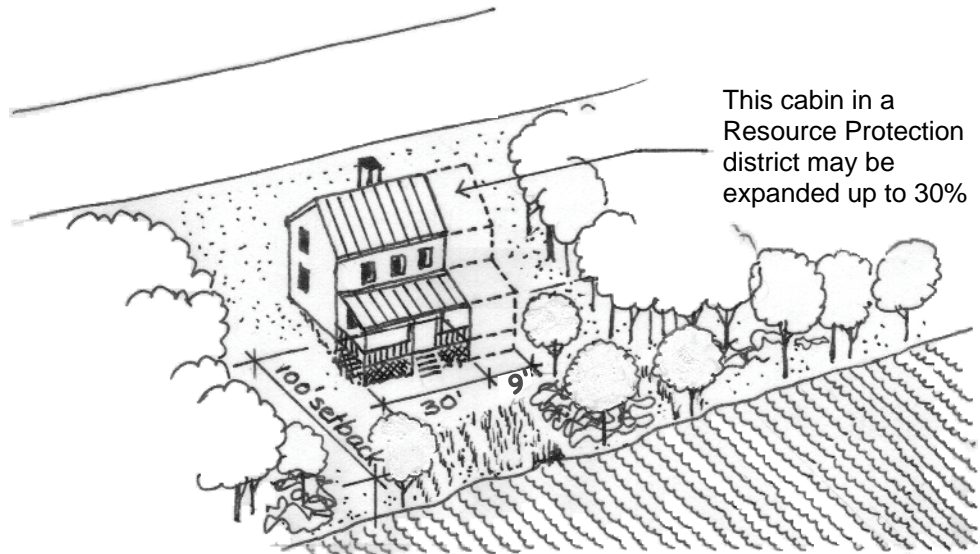
***Non-Conforming Uses***

**An Example**

Uses that were in existence at the time of ordinance adoption but are now not permitted are deemed non-conforming uses or “grandfathered” uses. An industrial or commercial use in a Limited Residential district, for example, would be a non-conforming use.

**Expanding Non-Conforming Uses**

Only non-conforming residential structures may be expanded, and then only by less than 30%, with a permit. Other uses may be maintained, but not expanded.





## The Land Uses Table

### Purpose

The illustration below shows part of the Land Uses in the Shoreland Zone Table from the Guidelines. The table is intended to help you find out what land uses are permitted in each district. (Again, remember this is just a model; for precise information about your situation, refer to your town’s ordinance.)

**TABLE 1. LAND USES IN THE SHORELAND ZONE**

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	CEO <sup>1</sup>	yes	yes	yes	yes
4. Timber harvesting	yes	yes	yes	yes	yes	yes
5. Clearing of vegetation for approved construction and other allowed uses	yes	yes	yes	yes	yes <sup>2</sup>	yes <sup>2</sup>
6. Fire prevention activities	no	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	PB	PB
7. Wildlife management practices	no	PB <sup>3</sup>	PB	PB	yes	yes
8. Soil and Water conservation practices	no	yes	yes	yes	yes	yes
9. Mineral exploration					yes	yes
10. Mineral extraction including sand and gravel extraction					yes	yes
11. Surveying and resource analysis					yes	yes
12. Emergency Operations					yes	yes
13. Agriculture	PB <sup>4</sup>	PB <sup>-</sup>	PB	PB	PB	no
14. Aquaculture	no	no	no	PB	PB	PB <sup>5</sup>
15. Principal structures and uses	no	no	no	no	PB	PB <sup>5</sup>
A. One and two family residential	no	no	no	no	PB	PB <sup>5</sup>
B. Multi-unit residential	no	no	no	no	PB	PB <sup>5</sup>
C. Commercial					PB	PB <sup>5</sup>
D. Industrial					PB	PB <sup>5</sup>
E. Governmental and Institutional					PB	PB <sup>5</sup>

SEE EXAMPLE BELOW

### How to Read the Table

Follow these steps:

1. Identify the land use(s) you propose in the left hand column. (There are 34 choices).
2. Determine from the local shoreland zoning map(s), which district your lot is in; locate this district in the right hand columns (i.e., SP, RP, LR, etc.).
3. Find the notation on the applicable land use line and district column.

SP - Stream Protection
RP - Resource Protection
LR - Limited Residential
LC - Limited Commercial
GD - General Development
CFMA - Commercial Fisheries Maritime Activities

For example, timber harvesting (line 4) in an LR (Limited Residential) district states “yes.” “Yes” means the use is allowed, no permit is required, but you must comply with applicable standards. “no” means the use is prohibited. PB, CEO, and LPI means you must first apply for a permit from your Planning Board, Code Enforcement Officer, or local Plumbing Inspector, as applicable, at your town office.

## The Land Use Standards

All permitted land uses, whether they require a permit or not, must conform to the applicable standards, as described in your local ordinance. The most commonly used standards are explained on the following pages. For more information about the standards that apply specifically to your situation, refer to your local shoreland zoning ordinance.

### Minimum Lot Standards

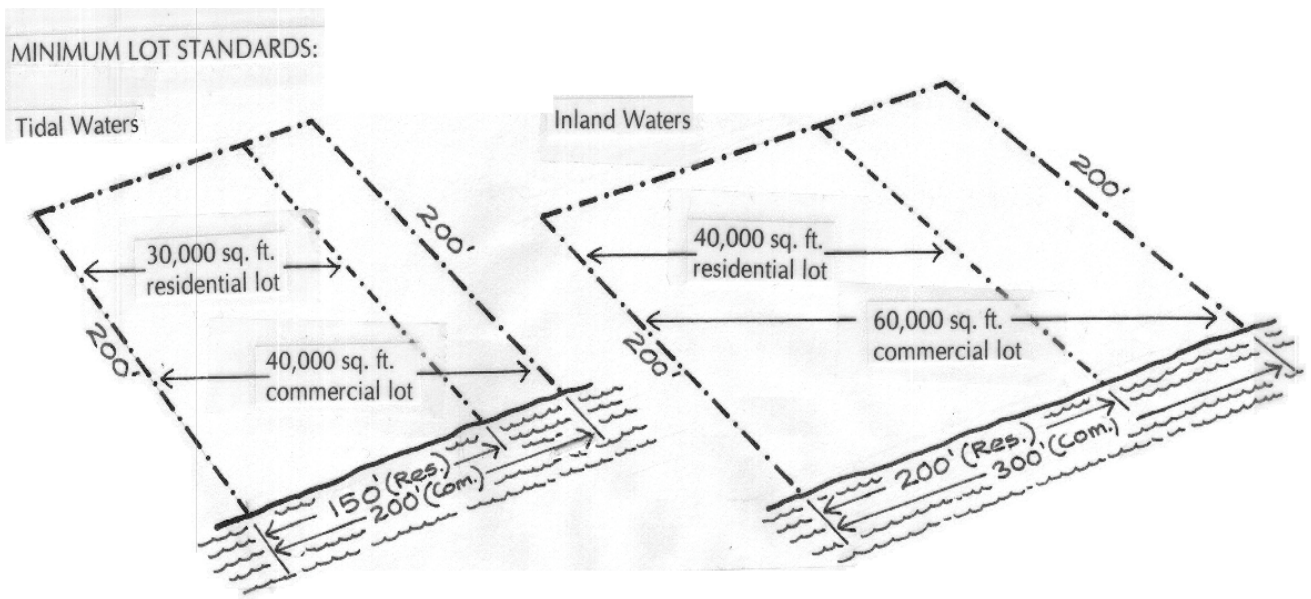
Shore frontage (the width of the lot at the waterfront) and overall lot size standards vary, depending on the type of use and type of water body. Generally, the following minimum standards apply:

	<u>Tidal Waters</u>	<u>Inland Waters</u>
Residential Lot Size:	30,000 square feet	40,000 square feet
Residential Lot Frontage:	150 ft. shore frontage	200 ft. shore frontage
Commercial Lot Size:	40,000 square feet	60,000 square feet
Commercial Frontage:	200 ft. shore frontage	300 ft. shore frontage

The minimum lot width within 100 feet of the shoreline can be no less than the shore frontage standard.

Note: Land below normal high-water and roads cannot be included in the lot area.

The frontage and lot size requirement applies to each principal structure or dwelling unit.



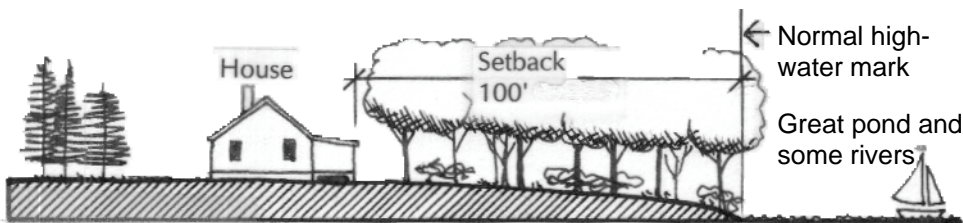


## Building Setback, Height, and Lot Coverage

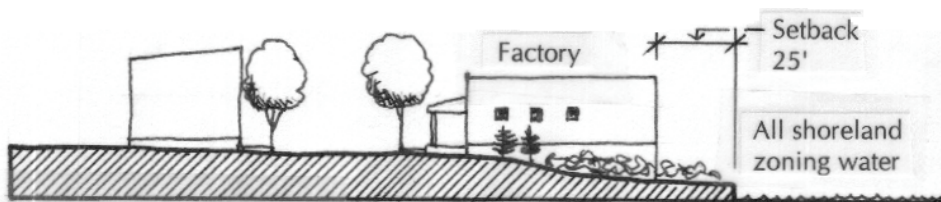
### *Minimum Setback Requirements*

All structures, except those which are water dependent, must be set back from the normal high-water mark of a water body (including tributary streams) or the upland edge of a wetland. In most districts that are on a great pond or river flowing into a great pond, the setback is 100 feet. There are sections of some specially designated rivers in northern and Downeast Maine where the setback is 125 feet for new houses. A 75 foot setback applies on all other water bodies, streams, and wetlands. In the general development district, the minimum setback is 25 feet.

Note: Both perennial and intermittent streams can be tributary streams. Tributaries have defined banks, a lack of upland vegetation, a channel devoid of topsoil, and flow into a water body or wetland.



Residential District



General Development District



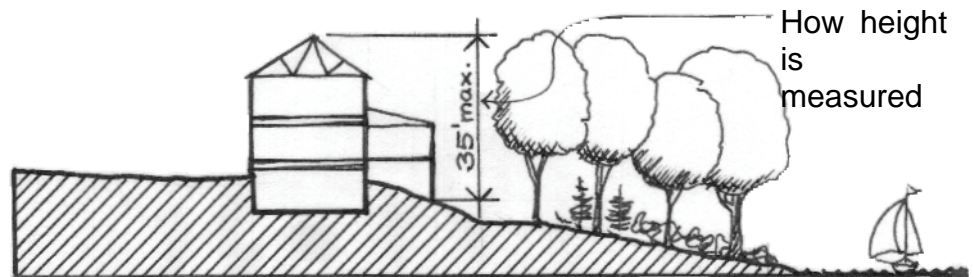
Residential District



Residential District

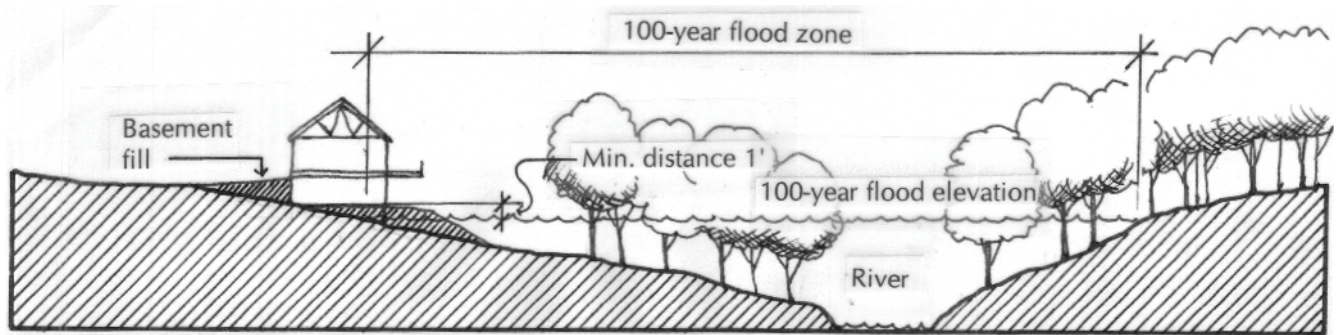
## Height Restrictions

The maximum height of a new or expanded structure in a resource protection, limited residential, limited commercial, or stream protection district is 35 feet (measured from the downhill side of the building to the roof peak).



## Flood Elevation

The first floor of all buildings, including the basement, must be at least one foot above the 100 year flood elevation. Your town office should have the flood hazard maps on file, showing where the 100 year flood elevation is.

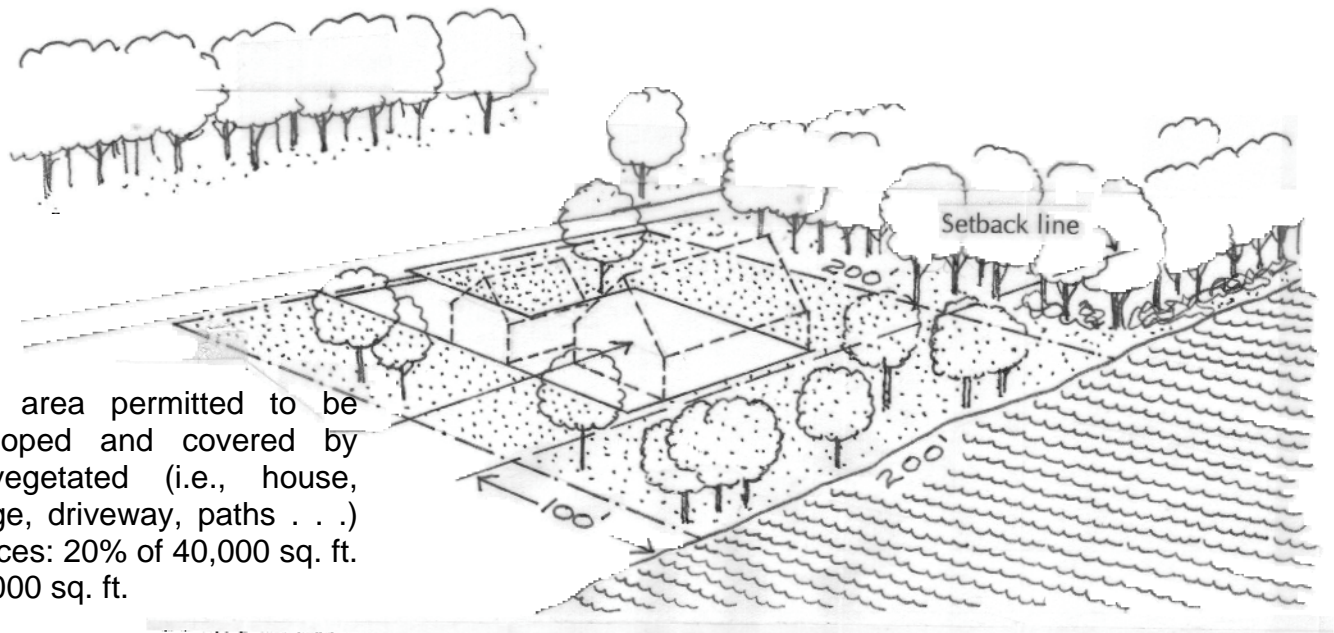




## THE STANDARDS

### ***Lot coverage***

Because solid surfaces increase runoff, the total area of a lot covered by structures, driveways, parking areas, decks, patios, and other non-vegetated surfaces is limited to 20% in shoreland areas. In General Development Districts which are on tidal waters or rivers that do not flow into great ponds, and in Commercial Fisheries and Maritime Activity districts, the limit is 70%.



Total area permitted to be developed and covered by non-vegetated (i.e., house, garage, driveway, paths . . .) surfaces: 20% of 40,000 sq. ft. or 8,000 sq. ft.



## Parking Areas, Roads, and Driveways

### Parking areas

Parking areas must meet the same setback standards as roads and driveways. However, the setback can be reduced to 50 feet, if necessary, for a parking lot associated with a public boat launching facility. Parking areas must also be designed to prevent storm water runoff from flowing into the water body.

### Locating Roads and Driveways

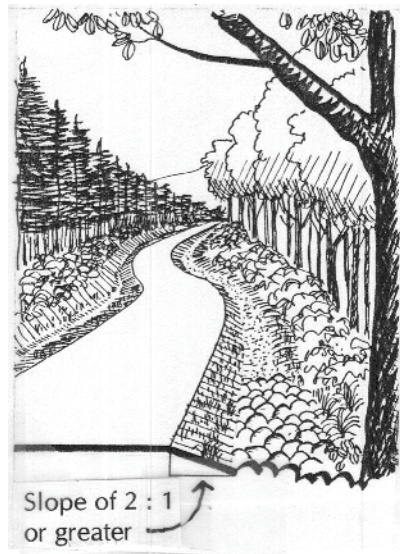
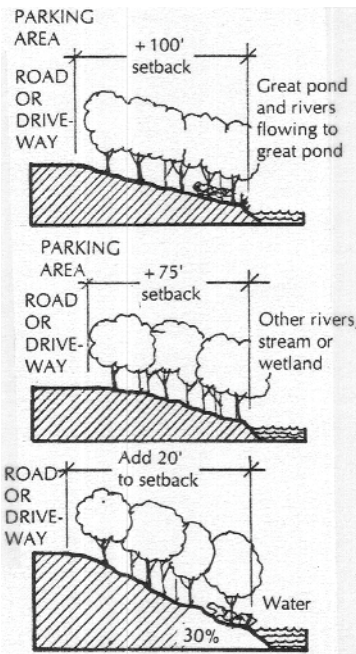
Roads and driveways must be set back at least 100 feet from the shore of great ponds and rivers flowing into great ponds. On other bodies of water, including tributary streams within the shoreland zone and wetlands, the setback is 75 feet. These requirements may be reduced to no less than 50 feet only if the Planning Board agrees that there is no reasonable alternative and if erosion control measures are taken. When the shoreland slopes 20% or more, the setback must be increased 10 feet for every 5% increase in slope above 20%.

New roads and driveways are not allowed in a Resource Protection district, unless the Planning Board determines that there is no reasonable alternative.

### Constructing Roads and Driveways

The standards stipulate that:

- banks must have a 2:1 (horizontal:vertical) or lower slope;
- grades be no steeper than 10%;
- drainage ditches must empty, in a diffused manner, into buffer strips set back at least 50 feet from the water's edge; and
- adequate and correctly installed cross drains, culverts, and water turnouts must be provided to avoid ditch erosion. The standards also require that all road and driveway drainage and storm water runoff channels be maintained regularly.



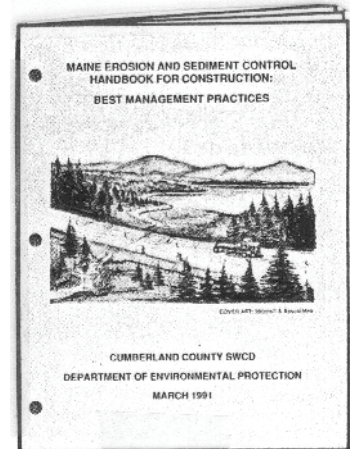
ROADSIDE  
DITCH DRAINING TO  
ROCK DIFFUSER SET  
AT LEAST 50' FROM  
THE WATER



## Stormwater Runoff and Erosion Control

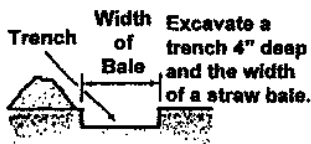
When development is undertaken in the shoreland zone, it is essential that adequate measures are taken to prevent exposed soil and pollutants from reaching the water. The standards require that:

- natural site features such as small wetlands, wooded areas, swales and berms, be retained to reduce runoff; and
- a soil erosion and sediment control plan be prepared that shows: how disturbed soils will be mulched and revegetated; where hay bales, silt fencing and/ or diversion ditches will be placed; where permanent stabilizing structures may be needed; and how the site plan is designed to fit with the slopes and contours of the land.

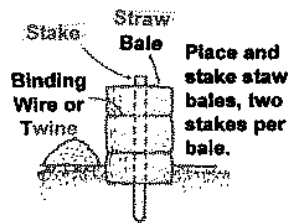


### HOW TO CONSTRUCT A HAY BARRIER

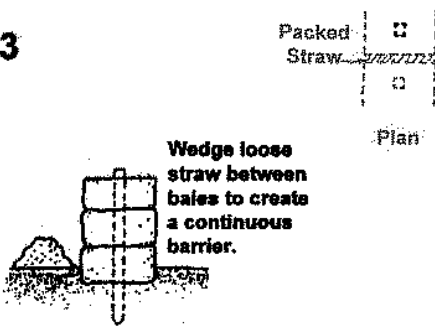
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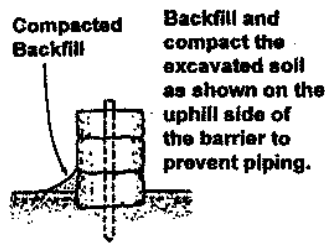
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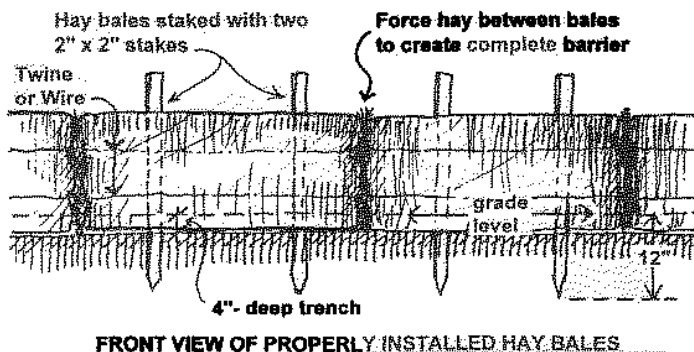
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4



### CONSTRUCTION OF A HAY BALE BARRIER (USDA Soil Conservation Service)

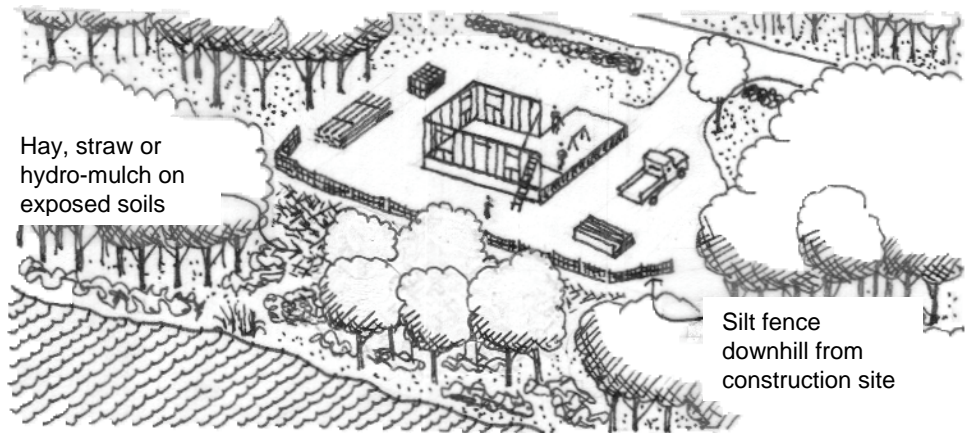


## A HANDBOOK FOR SHORELAND OWNERS

The standards require specific erosion control measures. Lot owners must:

- temporarily stabilize exposed soils within a week of ground-breaking;
- permanently stabilize exposed soil within nine months;
- when mulching, apply the material at a rate of at least one hay bale per 500 square feet;
- where necessary, take additional measures, such as netting or pegging the mulch, using staked hay bales, and/or using silt fences.

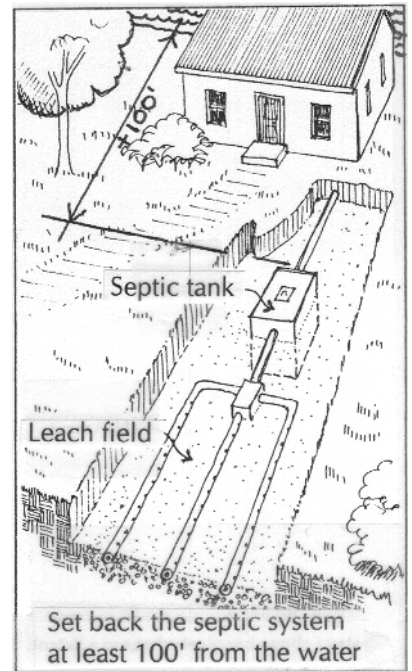
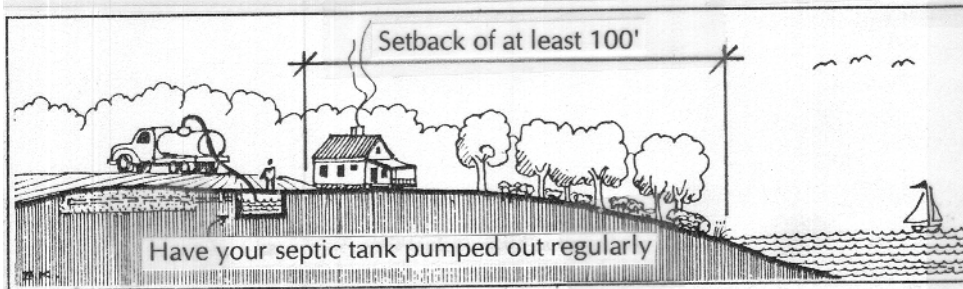
Note: For permanent stabilization, an acceptable alternative to hay and straw mulch is hydro-mulching or seeding; this is a commercial application of grass seed, fertilizer and a specially formulated mulch that is sprayed onto the disturbed soil. It should only be used when there is sufficient growing season for the seed to germinate and take root, and should not be used after September 30.





### Septic Disposal

All sewage disposal systems must be designed by a Maine licensed site evaluator and be installed according to the "State of Maine Sub-surface Wastewater Disposal Rules," also referred to as the "Plumbing Code." All disposal systems must be sited at least 100 feet from perennial water bodies. Replacement system standards, and other standards are also detailed in the Plumbing Code. The Plumbing Code is administered by the Local Plumbing Inspector, with general oversight through the Department of Health and Human Services' Health Engineering Division. Contact your plumbing inspector for answers to specific questions.



### Campsites

Private campsites are subject to the following standards:

- only one site per 30,000 square feet of lot is permitted;
- tents, recreational vehicles, cars, trailers, etc., must be set back 100 feet from a Great Pond, or river flowing to a Great Pond, and 75 feet from other water bodies;
- no permanent foundation, except for a gravel pad, is allowed;
- clearing in the Resource Protection District is limited to 1000 square feet;
- approval of the method of sewage disposal is required from the Local Plumbing Inspector; and
- if the camper, tent, vehicle, or shelter is on-site for more than 120 days of the year, residential structure and sewage standards must be met.

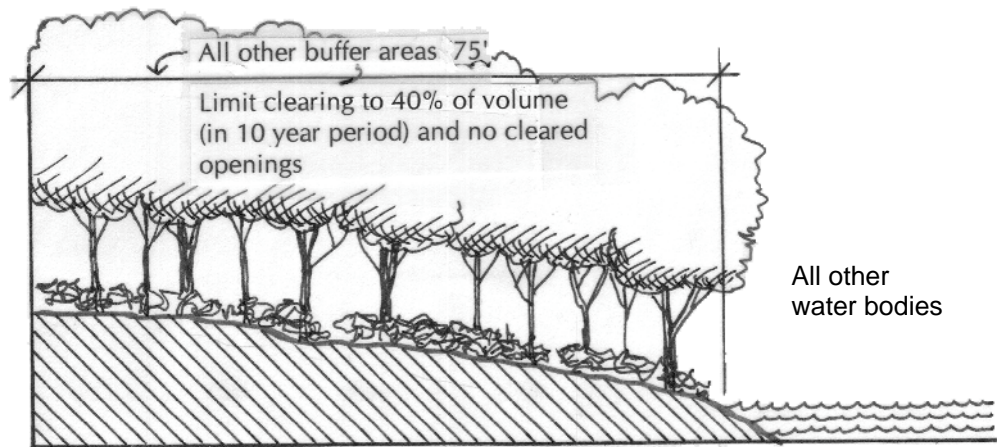
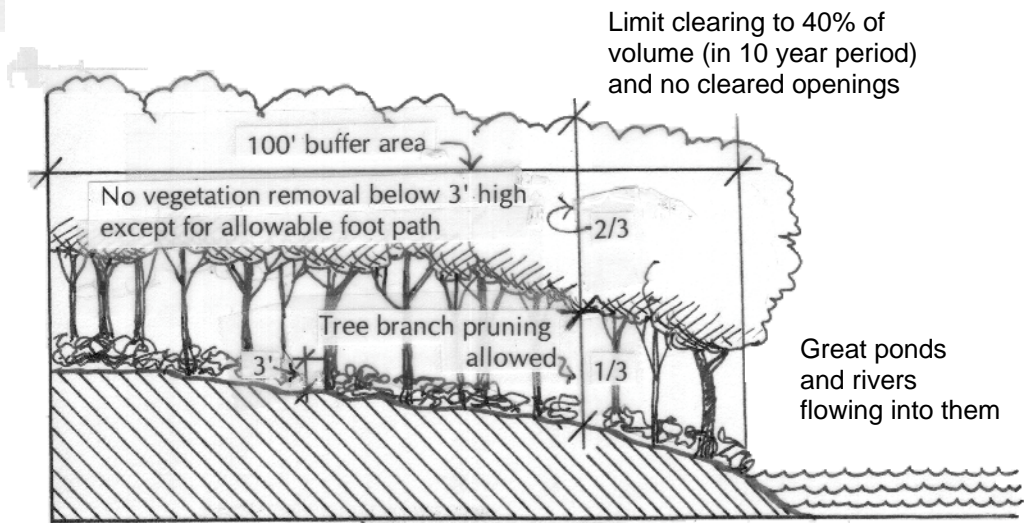


## Clearing for Development

### Clearing Vegetation in Buffer Areas

The shoreland zoning law prohibits any vegetation removal within the 75-foot buffer area around a great pond that is zoned for resource protection, except to remove safety hazards.

In all other cases, no more than 40% of the total volume of trees over 4 inches in diameter in the buffer area may be harvested in any 10 year period. Vegetation less than 3 feet in height, including ground-cover, cannot be removed from shoreland buffers near great ponds or rivers flowing into great ponds. Pruning the lower third of the branches of a tree within the buffer is permitted.



TYPICAL BUFFER AREAS IN RESIDENTIAL ZONES

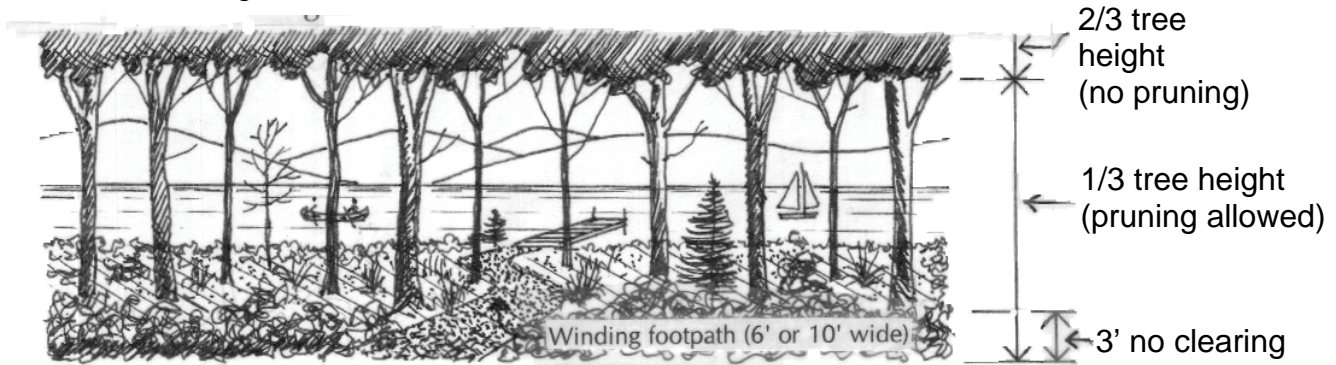


## THE STANDARDS

Within 100 feet of great ponds and rivers flowing into great ponds, and within 75 feet of other waters, including tributary streams:

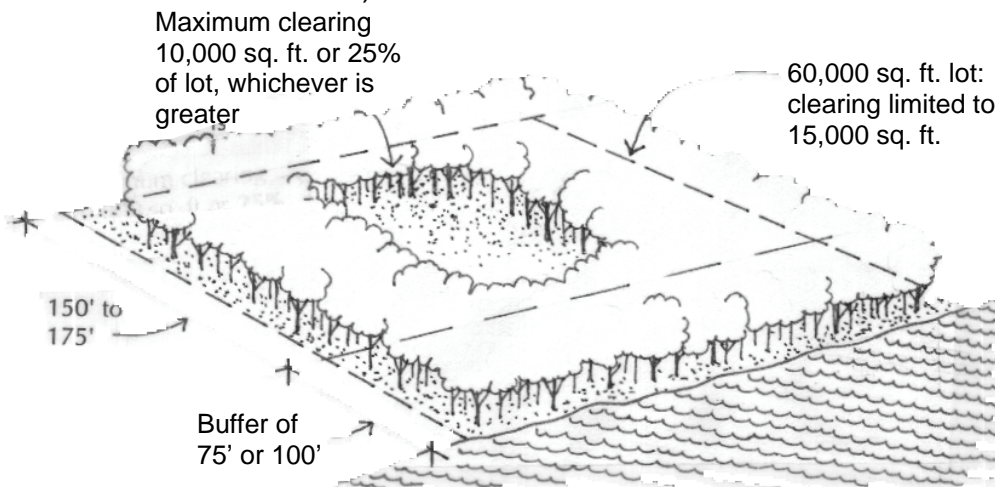
- no opening in the forest canopy may exceed 250 square feet;
- a winding footpath not more than 10 feet wide is permitted; however, if the location is on a great pond or on a river flowing to a great pond, the width cannot exceed 6 feet; and
- Selective cutting is permitted, provided a well-distributed stand of trees remains. The standards establish a rating system which defines a "well-distributed stand of trees." Within the buffer area, the property owner must maintain a minimum number of points worth of trees (12 points adjacent to great ponds and rivers flowing to great ponds, and 8 points elsewhere), within any 25-foot by 25-foot area, according to the table at right.

Diameter	Points
2"-4"	1
>4" -12"	2
>12"	4



### ***Clearing Beyond the Shoreland Buffer***

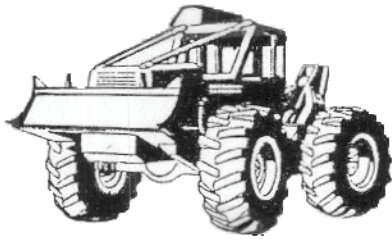
Beyond the 75 foot or 100 foot buffers mentioned above, clearing is also limited to no more than 40% of the volume of trees over 4 inches in diameter within a 10 year period. This means that the more land that is cleared for buildings, lawn, and driveways, the less can be thinned elsewhere. Further, cleared openings cannot exceed 25% of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater. (Note: this 25% provision does not apply in the General Development or Commercial Fisheries/Maritime Activities districts, where the limit is 70%.)



*Note: In all cases the 40% cap cannot be exceeded. The more land cleared for buildings and driveways, the less can be thinned elsewhere*

## Timber Harvesting

Because shoreland trees conserve natural beauty, provide valuable wildlife habitat, and serve the vital buffering and filtering functions that help ensure good water quality, timber harvesting in the shoreland zone is restricted.



### Harvesting in All Shoreland Areas

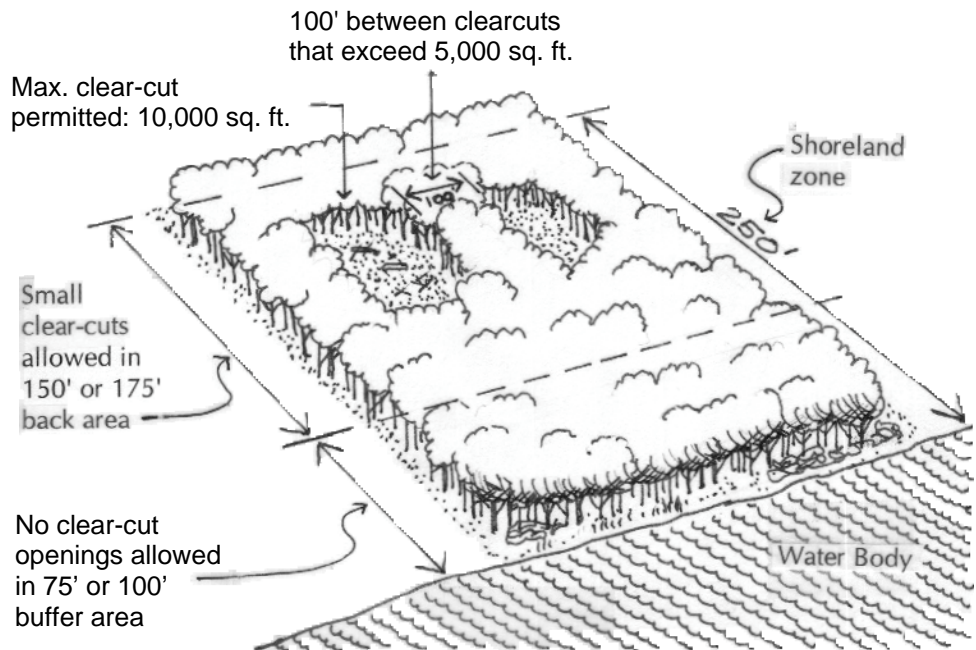
The overall maximum amount of cutting allowed in areas within the shoreland zone is 40%, by volume, over a 10 year period. Further:

- In resource protection districts adjacent to great ponds, the Mandatory Shoreland Zoning Act prohibits any timber harvesting, except for safety hazards, within 75 feet of the water, unless the municipal ordinance specifically permits limited harvesting. \*
- In all other situations, there are to be no clearcut openings within 100 feet of a great pond or river flowing into a great pond, or within 75 feet of other water bodies (including tributary streams), and a well-distributed stand of trees and other vegetation must remain.
- In all other shoreland areas outside these buffers, no clearcut over 10,000 square feet is allowed and, when the clearcuts exceed 5,000 square feet, they must be at least 100 feet apart.

*\*A municipality, in its locally adopted shoreland zoning ordinance, may permit timber harvesting within 75 feet of a resource protection area adjacent to a great pond if the following conditions are met:*

1. The ground is frozen;
2. There is no resultant soil disturbance;
3. No wheeled or tracked equipment enters the 75-foot strip of land;
4. Cutting of trees is limited to no more than 30% of the volume of trees 6 inches or more in diameter in any 10-year period; and
5. The trees to be harvested are marked by a licensed professional forester.

Note that some local ordinances allow the 40% limit to be exceeded, with Planning Board approval, if a professionally prepared forest management plan shows that the cutting is necessary for good forest management.



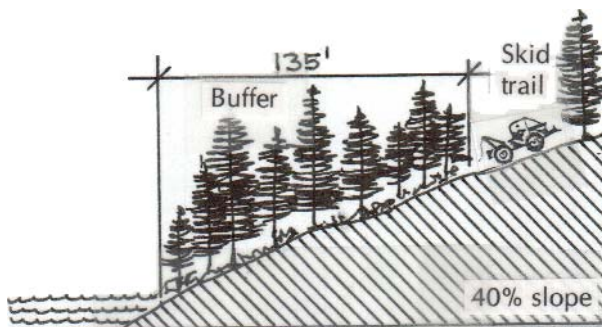
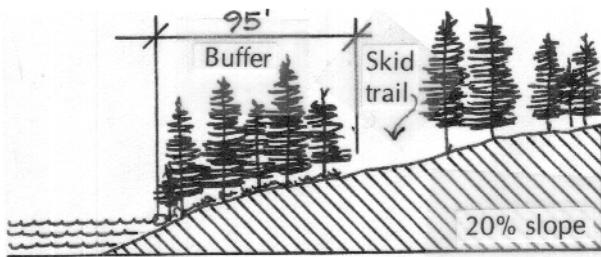
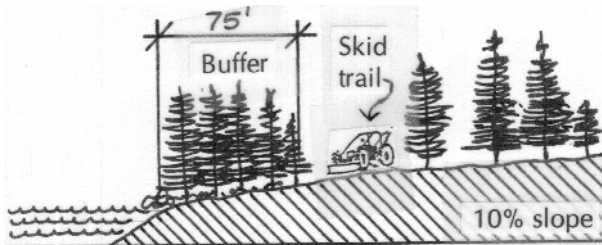


## THE STANDARDS

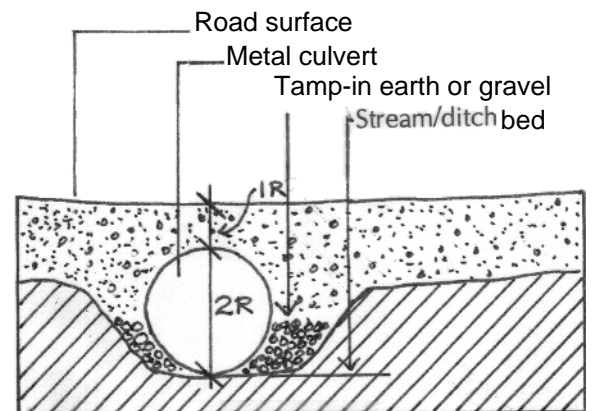
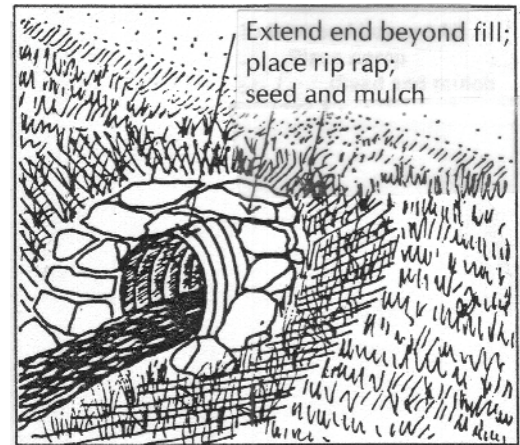
### Other Timber Harvesting Standards

- Slash must be removed from the water, and piles may not be within 50 feet of the water.
- Machinery may not operate in stream channels unless they are frozen over or there is no potential for soil disturbance (such as when the stream bank and bottom consist of ledge).
- Bridges or culverts must be used at water crossings.

Skid trails must be sited to avoid any runoff from reaching the water. They must be located at least 75 feet from the water when the slope is 10% or less. When the slope is more than 10%, this distance must increase 20 feet for every 10% slope increase.



Maintain a buffer between skid trails and the water



Construct culverts carefully



## The Roles of Local Officials

### The Code Enforcement Officer

All municipalities are required to appoint a code enforcement officer (CEO). It is the duty of the CEO to:

- enforce your local shoreland zoning ordinance;
- collect fees, if authorized, for every permit issued;
- conduct on-site inspections to assure compliance;
- keep a record of all shoreland related transactions and submit a summary of this record to DEP biennially;
- review applications for new residential construction.

The "land uses" table in your local Shoreland Ordinance notes which kinds of permits may be issued by the local Code Enforcement Officer.

### The Planning Board

The municipal Planning Board is responsible for preparing and administering the local Shoreland Zoning Ordinance and Map. Working with the Code Enforcement Officer, the Board processes permit applications at regularly scheduled, public meetings.

Some specific duties of the Planning Board include:

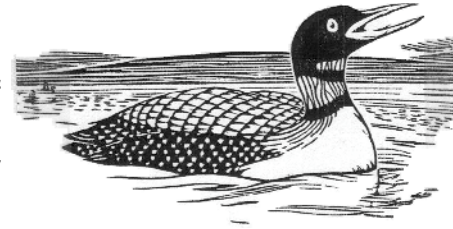
- making recommendations to town officials regarding ordinance amendments and rezoning petitions;
- reviewing applications for reconstructing and relocating non-conforming structures;
- reviewing applications for commercial and industrial uses; and
- reviewing applications for new roads and parking facilities.





## The Board of Appeals

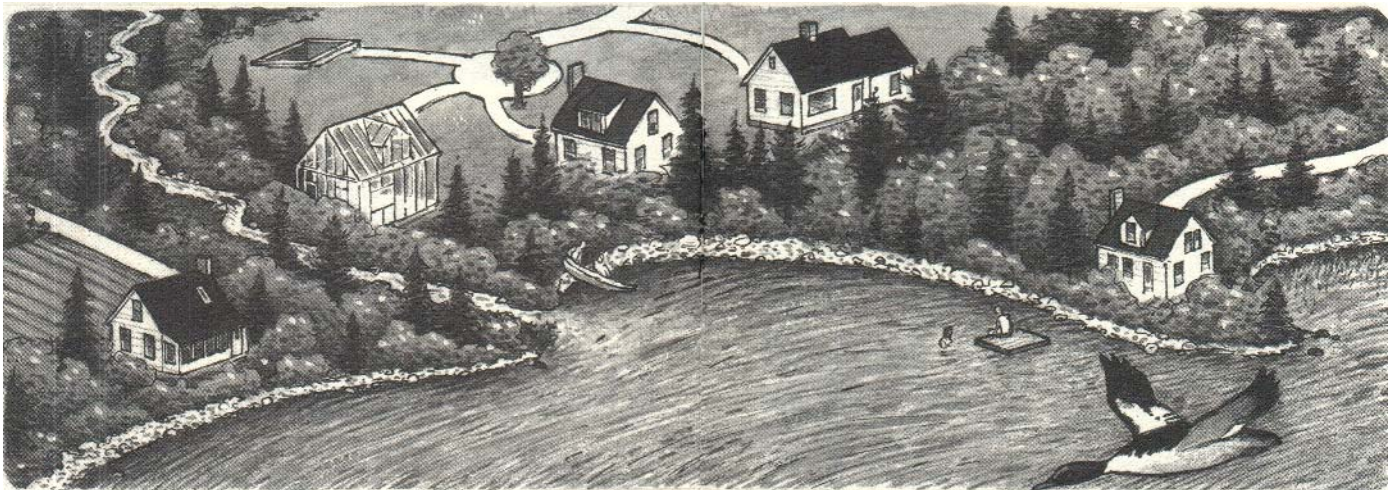
It is the duty of the municipal Board of Appeals to hear and act upon appeals of Planning Board or CEO decisions; to grant variances, if appropriate; to interpret ordinance provisions; and to settle zoning district boundary disputes. Variances can only be granted under certain narrow circumstances.



"Use" variances are not allowed, but lot width, coverage, and setback requirements may be modified if the applicant can demonstrate undue hardship. "Undue hardship" means that the owners must prove that they can only obtain a reasonable return from the property if the variance is granted; that the need for a variance is caused by unique site conditions; that granting the variance will not change the character of the area; and that the hardship was not caused by the current or previous owner.

All appeals must be made in writing and all Appeals Board decisions must also be in writing. Strict time limits (typically 30 to 45 days) are set to give all parties reasonable time to act.

When a variance is granted by the board of appeals, the landowner is responsible for recording a certificate of variance approval at the local registry of deeds within 90 days of the final written approval. Otherwise, the variance is voided. Municipalities must send copies of variance approvals to the DEP within 14 days of the approval decision.



## Other Laws

Projects proposed in shoreland areas may be subject to other land use laws. Other laws most frequently associated with shoreland projects include:

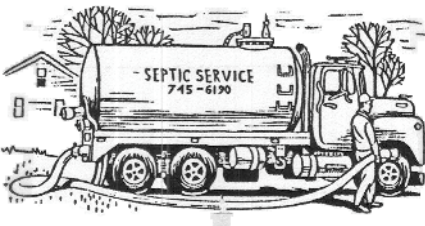
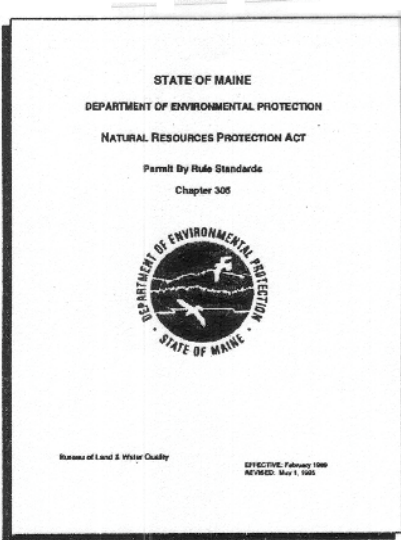
### The Natural Resources Protection Act (NRPA)

The purpose of NRPA is to set environmental standards to limit alteration of ponds, rivers, streams, tidal waters, coastal dunes and wetlands, significant wildlife habitat, and fragile mountain areas.

Human actions that impact these resources may require permits from the state. Examples of activities which require a permit include:

- filling;
- dredging;
- bulldozing;
- removing or displacing soil, sand, vegetation or other materials in a water body or wetland or within 75 feet of a water body and certain wetlands; and
- constructing, repairing, or altering a permanent structure in, on, or over a water body or wetland, or within 75 feet of a water body and certain wetlands.

Contact the Maine Department of Environmental Protection for more information (see page 33).



### The (External) Plumbing Code

All subsurface sewage disposal, including outhouses and gray water systems, must be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules. The Guidelines require you to have a valid plumbing permit, or a completed application for a permit, when your proposed construction in the shoreland zone involves sewage disposal. For more information, please contact your local plumbing inspector.

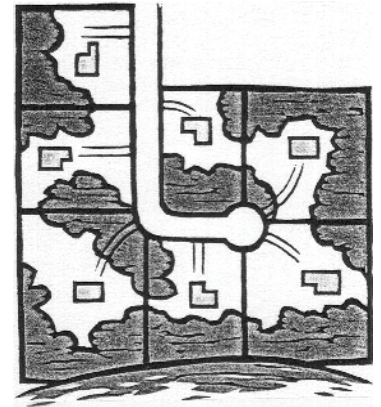
### The Seasonal Conversion Law

If you wish to convert a seasonal dwelling in the shoreland zone to a permanent, year-round home, you may be required to obtain a seasonal conversion permit from the local plumbing inspector. The law ensures that adequate subsurface wastewater disposal systems are put in place to handle increased usage.



### **Subdivision law**

If you propose to subdivide an existing lot in the shoreland area (or anywhere in Maine) to create a total of three or more lots within a five year period, you are subject to local Subdivision Ordinance requirements. Or, if you live in an unorganized township or plantation, check with the Maine Land Use Regulation Commission (see page 33). If the subdivision is a large one (15 or more lots involving 30 or more acres), check with the Department of Environmental Protection to make sure that you are not also subject to the state's Site Location of Development Law.



### **Erosion and Sedimentation Control Law**

This law applies to all filling or earth cutting that exposes the soil to erosion. It applies in all areas, whether or not they are in the shoreland zone, and requires that measures to control erosion and sedimentation are put in place before any earth work begins (see page 33 for more information). This law, too, is administered by the DEP.

## References

### State Agency Contacts

**For shoreland zoning, Natural Resources Protection Act, and erosion and sedimentation control information:**

Maine Department of Environmental Protection (DEP):

Bureau of Land and Water Quality  
State House Station #17  
Augusta, ME 04333  
Tel. (207) 287-2111 or 1-800-452-1942

DEP Eastern Maine Regional Office  
106 Hogan Road  
Bangor, ME 04401  
Tel. (207) 941-4570

DEP Southern Maine Regional Office  
312 Canco Road  
Portland, ME 04103  
Tel. (207) 822-6300

DEP Northern Maine Regional Office  
1235 Central Drive  
Presque Isle, ME 04769  
Tel. (207) 764-0477

<http://www.maine.gov/dep>

**For Plumbing Code and seasonal conversion information:**

Maine Department of Health and Human Services  
Division of Health Engineering  
State House Station #11  
Augusta, ME 04333  
Tel. (207) 287-5689

**For shoreland zoning information in the unorganized townships and plantations of Maine:**

Maine Department of Conservation  
Land Use Regulation Commission  
State House Station #22  
Augusta, ME 04333  
Tel. (207) 287-2631

<http://www.maine.gov/doc/lurc/lurchome.htm>



### Useful Publications

Available from the DEP (for addresses and telephone numbers, see page 33):

- State of Maine Guidelines for Municipal Shoreland Zoning Ordinances
- State of Maine Mandatory Shoreland Zoning Act
- Issue Profiles:
  - "Mandatory Shoreland Zoning Act"
  - "Nonconforming Structures in the Shoreland Zone"
  - "Clearing of Vegetation in the Shoreland Zone"

Information Sheet – "Establishing the Starting Point for Measurement of the Shoreland Zone and Related Setback Determinations"

- Homeowner's Guide to Environmental Laws
- Timber Harvesting Guide for Organized Areas

Available from the Congress of Lake Associations (COLA) 201 US Route 1 PMB 172, Scarborough, ME 04074 or e-mail them at [info@mainecola.org](mailto:info@mainecola.org).

- The Lake Book

