

**RULEMAKING FACT SHEET
TITLE 5 MRSA § 8057-A**

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Mark Margerum
Maine Dept. of Environmental Protection
17 State House Station
Augusta, ME 04333
(207)287-7842

CHAPTER NAME AND RULE TITLE: Chapter 1000: Guidelines for Municipal
Shoreland Zoning Ordinances (Amendments)

STATUTORY AUTHORITY: Title 38 MRS Sections 438-A(5)

DATE AND PLACE OF PUBLIC HEARING: September 16, 2014 1:00 PM
Department of Environmental Protection
Response Building
Blossom Lane
Augusta, Maine

COMMENT DEADLINE: September 26, 2014, 5:00 PM

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

The proposed amendments to Chapter 1000 are, in part, the result of a stakeholder process that took place over several months in 2011. The stakeholder process was initiated in response to proposed legislation that sought to alter the jurisdiction of shoreland zoning regulations. Recognizing that many issues were due to confusion over the rules, the Department facilitated a series of stakeholder group meeting to examine the rules to find ways to clarify provisions and build in more flexibility, while still maintaining important shoreland protections.

In addition to the amendments that resulted from the stakeholder process, recent statutory amendments were also incorporated into the proposed rule in order to make Chapter 1000 consistent with the Mandatory Shoreland Zoning Act.

Lastly, longstanding Department policies on certain topic have been incorporated into the rule to provide more clarity for both municipalities, who are charged with administering and enforcing shoreland zoning regulations, and shoreland zoned landowners.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The Department's proposal will amend Chapter 1000 to incorporate a number of revisions recommended by stakeholders during the 2011 stakeholder process. In addition to the stakeholders' recommendations, the proposed amendments also incorporate a number of

statutory changes enacted by the 126th Maine Legislature in P.L. 2013, Chapter 320, “An Act to Amend the Mandatory Shoreland Zoning Laws”.

Some of the more notable proposals include:

- Aligning the requirements in Commercial Fisheries and Maritime Activities Districts with P.L. 2013, Chapter 320, including the exemption of certain brownfields/VRAP projects from the need to comply with vegetation removal standards.
- Combining two nonconforming expansion rules, and in accordance with P.L. 2013, Chapter 320, changing to the use of footprint and height restrictions when determining a nonconforming expansion.
- Explicitly exempting the removal of non-native invasive plant species (such as bittersweet and poison ivy) from clearing restriction within the shoreland zone.
- Exempting naturally-existing ledge and rock outcrops when calculating the non-vegetated surface area of a lot.
- Utilizing a total “footprint” metric in accordance with P.L. 2013, Chapter 320, when determining special permit exceptions in lieu of the current “total ground floor area” metric.

FISCAL IMPACT OF THE RULE:

The proposed amendments to Chapter 1000 will result in a minor fiscal impact to municipalities, as they will likely need to update local ordinance to comply with the new rule.

BENEFITS OF THE RULE:

The proposed amendments will incorporate recent legislative changes, while providing both increased clarity and flexibility to municipalities.

BRIEF SUMMARY OF INFORMATION CONSIDERED DURING RULE DEVELOPMENT:

The proposed rules were developed after consultation with stakeholders, including municipalities, real estate interests, and environmental advocates. In addition, the Department provided an additional opportunity for public review and comment prior to the development of its formal draft proposal. Stakeholders provided a number of suggested provisions that were incorporated in the Department’s proposal.

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:
ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE: