

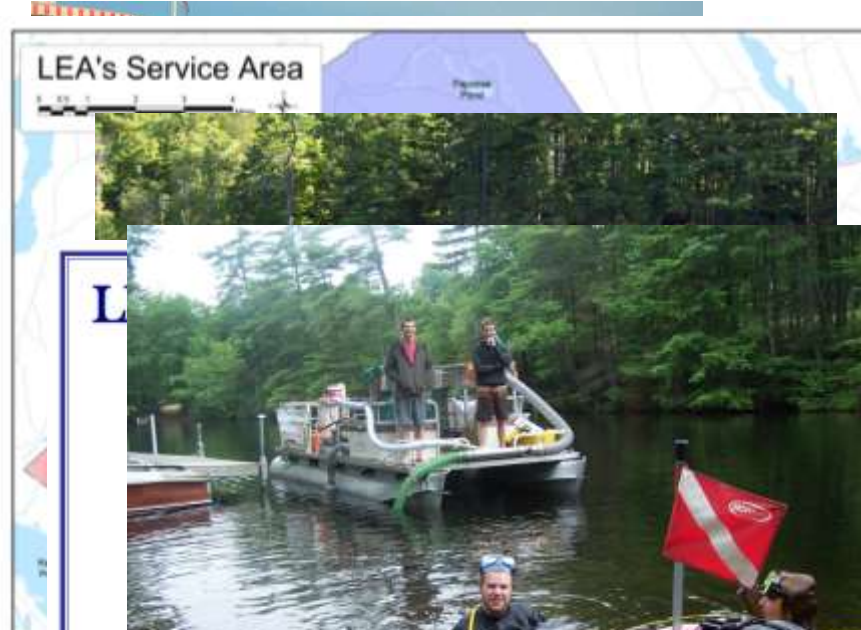
# Tactics to Improve the Efficacy of Shoreland Zoning

Colin Holme

Lakes Environmental Association



# What is LEA?



- Primarily membership funded multi-lake association
- Cover 40 lakes, core of 6 towns
- 20-40 years of routine lake testing data using VLMP/DEP guidelines
- Stormwater control projects at state, municipal and residential level
- Large invasive aquatic prevention and control programs
- Robust education programs
- Maine Lake Science Center



There is a lot we have to cherish and protect...

















What are the issues we are facing along the waterfront?























1973

1982

1987  
SI

1990  
EF SI

1994  
EG SI

1999  
EK SI

2003  
EP3 SI

2008  
FG TYPE R



28.3

11

(INCHES)



Average home size

1950



983

Square feet

1983



1,725

Square feet

1993



2,095

Square feet

2003



2,330

Square feet

2013



2,598

Square feet

SOURCE: CENSUS BUREAU







2000:



2010



June 2015



May 2016





















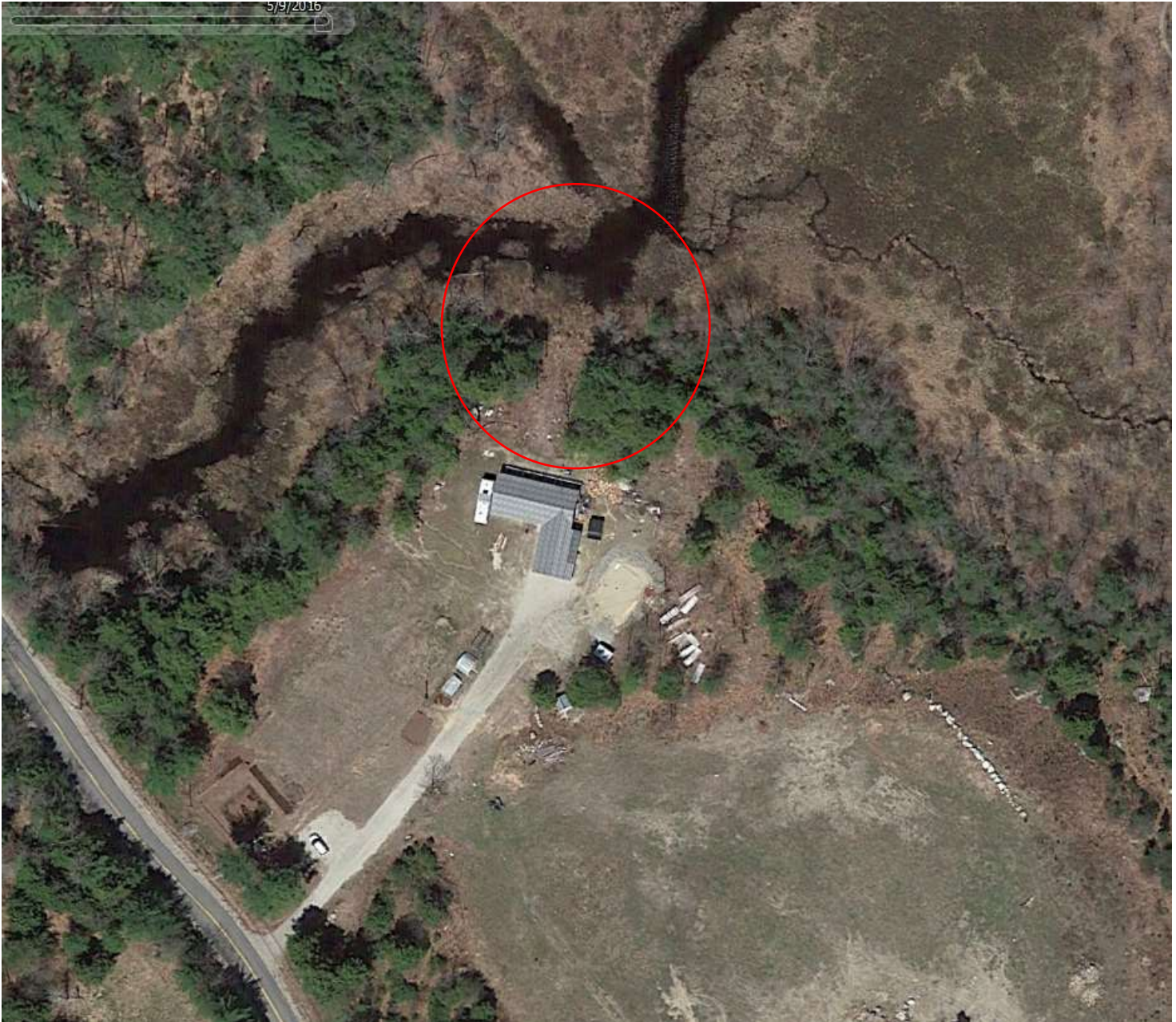


What are some ways we can address these issues?





5/9/2016









**KNOWLEDGMENT OF SHORELAND ZONING BUFFER STANDARDS**

This form summarizes some of the key requirements of the Harrison Shoreland Zoning Ordinance to ensure protection of the shoreland buffer. By signing this form, the landowner(s) acknowledges understanding of the standards and agrees to comply with them and to notify all others associated with the proposed project of these restrictions. Violation of any of these standards will require the landowners) to fully restore any site conditions not in compliance with their pre-construction condition. NOTE: Other shoreland zoning restrictions, other ordinances provisions, as well as Maine DEP requirements may also apply. Approval of a DEP permit under the Natural Resources Protection Act does not supersede these standards which in some cases are more restrictive.

These standards apply within the shoreland buffer area which is defined as the area within 100 feet of "the normal high water mark of all great ponds, rivers that flow to great ponds, other water bodies, tributary streams and the upland edge of a wetland. Within the Limited Commercial District the buffer area is established as 25 feet.

- One winding footpath of no more than six feet in width is allowed for each lot or for each 200 feet of shoreline frontage. The footpath must allow for runoff to disperse into the buffer, and shall not be constructed so as to create a view corridor.
- Structures are not allowed within the buffer area, with the exception of those structures in existence in the buffer area prior to June 20, 1992. This prohibition includes storage buildings, boat houses, patios, decks, tents and any portion of a dock extending above the normal high water line.
- In the off-season, docks should be stacked on the footpath to avoid damage to buffer vegetation.
- Fill cannot be brought into the buffer except for path construction or to re-vegetate bare ground as part of an approved re-vegetation plan.
- Openings or view corridors in existence prior to June 20<sup>B</sup>, 1992 can be maintained but not enlarged.
- Openings that have "closed" with growth of woody vegetation cannot be "re-opened".
- Before any construction begins a silt fence must be properly installed at the upland extent of the buffer area below any construction. Pre-construction photos should be taken.
- No unnecessary disturbance of the ground cover, including the duff and leaf layer, or vegetation shall be allowed within the buffer, or between the lake and a grandfathered structure.
- Equipment movement and excavation disturbance must be carefully controlled to avoid any impact on the buffer. For example, it is not legal to locate a foundation at the buffer limit if that placement causes any disturbance within the buffer. The placement of a silt fence at the buffer limit is intended to prevent this problem and satisfy state and local laws.
- Selective cutting of trees is permitted provided a well distributed stand of trees and other vegetation is maintained (point system). In no case shall more than 30% of the volume of trees in a great pond buffer or more than 40% of the volume of trees in any other water body buffer, be removed. Within the Resource Protection District there shall be no cutting of vegetation, except to remove safety hazards.
- There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown.
- Vegetation under 3 feet in height and other ground cover shall not be removed, except to provide a Footpath.
- Branches may be pruned on the bottom 1/3 of a tree.

Date	Signature of Landowner	Permit#:
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Maybe I should have Nancy look it over first?

Just sign here Ronnie...Everything is going to be fine.



# Update the Permit Process...



EXAMPLE OF SKETCH

EXPANSION OF NONCONFORMING STRUCTURE		
27. HAS THIS STRUCTURE EVER BEEN EXPANDED BEFORE? ( ) YES ( ) NO IF YES, WHEN? _____  BY WHAT PERCENTAGE? _____	28. FOOTPRINT (in sq ft) OF EXISTING STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: _____  FOOTPRINT (in sq ft) OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: _____  TOTAL FOOTPRINT (in sq ft) OF EXISTING AND PROPOSED STRUCTURE THAT IS WITHIN THE SETBACK: _____	
29. IS THIS PROPERTY LOCATED IN A SUBDIVISION? ( ) YES ( ) NO IF YES, WHAT IS THE NAME? _____	31. SIGNAGE WILL SIGN(S) BE LOCATED ON THE PROPERTY? ( ) YES ( ) NO	
30. HOW IS THIS PROPERTY CURRENTLY ZONED? ( ) SP (Stream Protection) ( ) RP (Resource Protection) ( ) RS (Rural Shoreland)	IF YES, DO THEY COMPLY WITH LOCAL/STATE ORDINANCE REQUIREMENTS? ( ) YES ( ) NO	
32. TYPE OF CONSTRUCTION: <input type="checkbox"/> SINGLE FAMILY <input type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> GARAGE (check all that apply): <input type="checkbox"/> MOBILE HOME <input type="checkbox"/> MODULAR <input type="checkbox"/> OTHER: _____		
33. DIMENSIONS OF PROPOSED STRUCTURE: LENGTH _____ WIDTH _____ HEIGHT _____		
REQUIRED		
PLUMBING PERMIT ATTACHED ( ) YES ( ) NO	DEED ATTACHED ( ) YES ( ) NO	PHOTOGRAPHS OF LOT, BUILDING AREA AND BUFFER AREAS

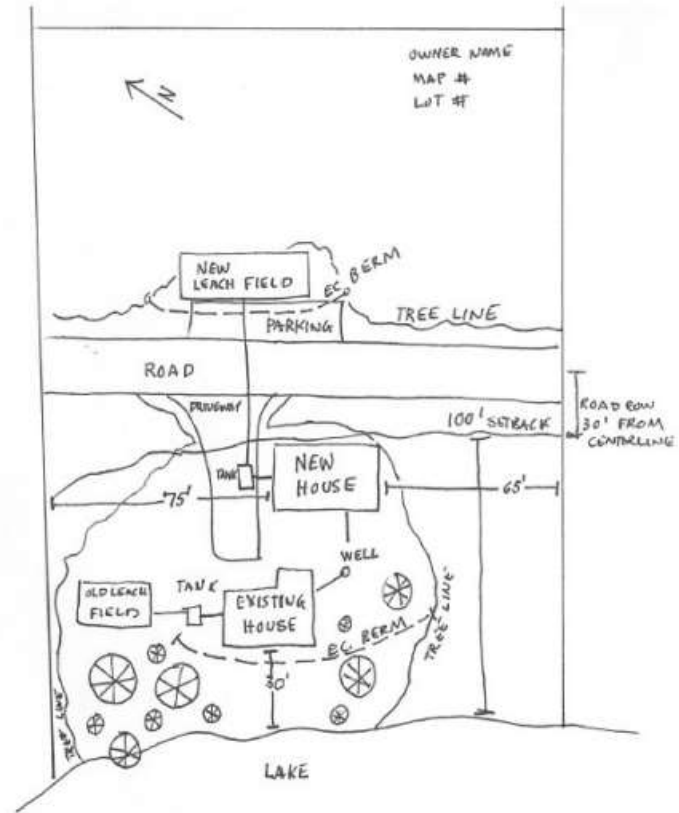
**Section 12. Non-conformance** (Waterford Shoreland Zoning Ordinance - page 3)

**A. Purpose**

It is the intent of this Ordinance to promote land-use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

**T. Erosion and Sedimentation Control**

- All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan.** The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - Mulching and revegetation of disturbed soil.
  - Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - Permanent stabilization structures such as retaining walls or rip-rap.
- In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
  - Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.



**EROSION CONTROL PLAN:**

- EROSION CONTROL BERM WILL BE IN PLACE BEFORE CONSTRUCTION BEGINS
- DISTURBED AREAS WILL BE MULCHED + SEEDS AT THE END OF EACH DAY WITH HAY
- THE NEW HOME WILL HAVE A ROOF DRIP EDGE DRAIN COMPRISED OF 1 1/2 INCH CRUSHED STONE TO CATCH RUN OFF



# 128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1096

H.P. 770

House of Representatives, March 21, 2017

An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative BLUME of York.  
Cosponsored by Senator BELLOWS of Kennebec and  
Representatives: COOPER of Yarmouth, DUCHESNE of Hudson, FAY of Raymond, FOLEY of Wells, HILLIARD of Belgrade, HYMANSON of York, MARTIN of Eagle Lake, Senator: VITELLI of Sagadahoc.

**PHOSPHORUS CONTROL PROVISIONS FOR ALL PROJECTS:**

<b>POINT SYSTEM</b>		
The applicant shall meet or exceed thirty (30) points based on the following schedule: <i>Special exemption: Non-conforming structures shall meet or exceed 25 points</i>		
<b>PROPOSED PHOSPHORUS MEASURES</b> (Check those proposed)		<b>POINTS ALLOWED</b>
<input type="checkbox"/>	10 points for correcting an existing erosion problem on the project site	
<input type="checkbox"/>	10 points for a clearing limitation of <15,000 square feet	
<input type="checkbox"/>	15 points for a clearing limitation of <10,000 square feet	
<input type="checkbox"/>	15 points for the installation of rock-line drip edges or other infiltration system to serve the new construction	
<input type="checkbox"/>	20 points for a 50-foot wide buffer	
<input type="checkbox"/>	25 points for a 75-foot wide buffer	
<input type="checkbox"/>	30 points for a 100-foot wide buffer	
<b>TOTAL</b>		

<b>Required phosphorus control for footprint expansions within setback area</b> Check at least one:	
<input type="checkbox"/>	An existing undisturbed natural buffer of 50 feet exists between the structure and the water body
<input type="checkbox"/>	A 50-foot wooded buffer strip will be created (woody vegetation will be added if lacking)
<input type="checkbox"/>	An infiltration system designed to accommodate a 24-hour 2-inch rainfall will be installed for structure





# 128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

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Legislative Document

No. 559

H.P. 401

House of Representatives, February 14, 2017

**An Act To Standardize the Law Concerning Property Transfers and  
To Protect Water Quality**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative HILLIARD of Belgrade.  
Cosponsored by Senator SAVIELLO of Franklin and  
Representatives: BLACK of Wilton, POULIOT of Augusta.



**CAUTION**  
PESTICIDE APPLICATION



APPLICATION  
TIME

REMOVE SIGN:

DATE

TIME

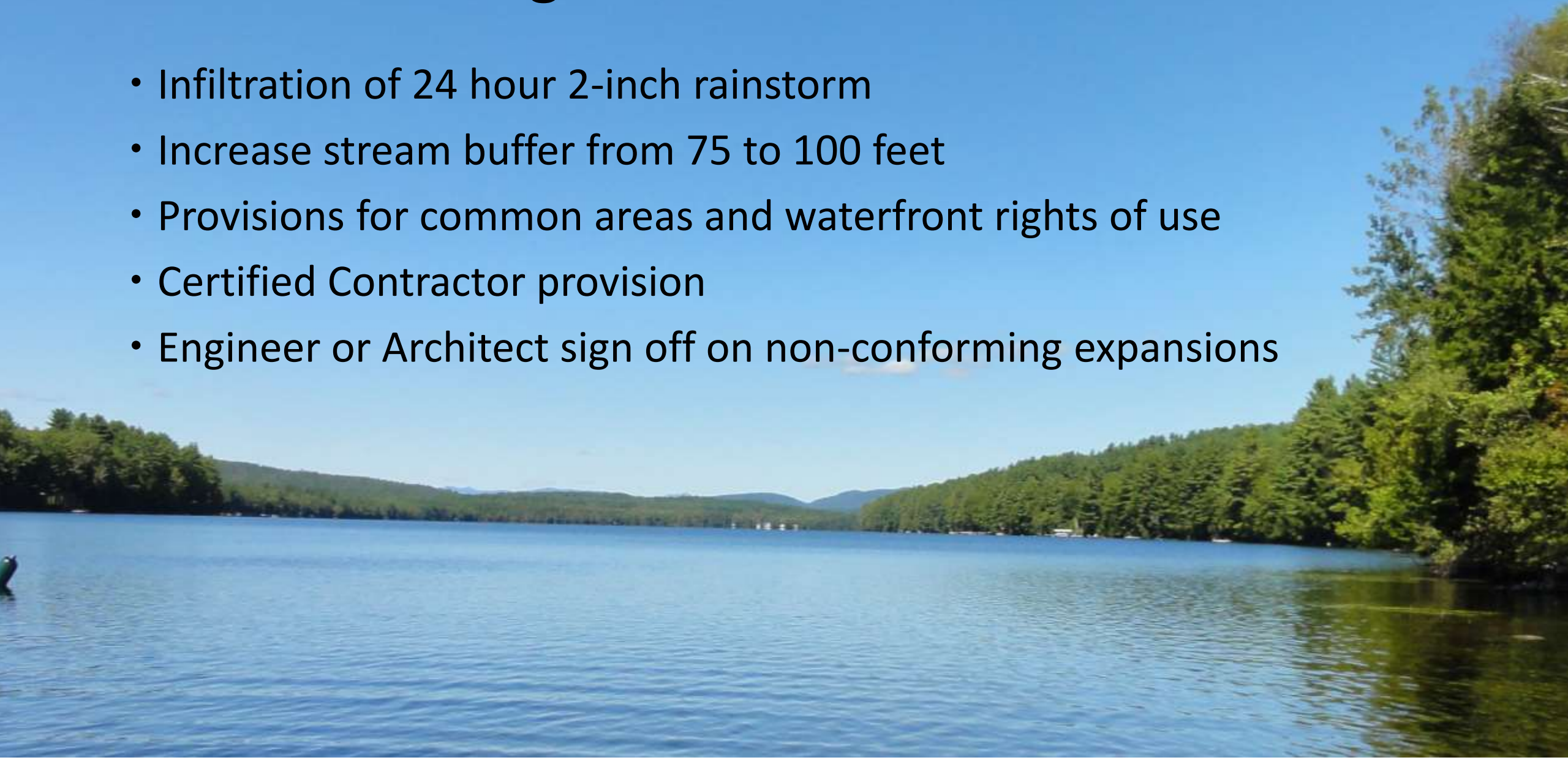
KEEP OFF

207-797-7294

DO NOT REMOVE  
FOR 48 HOURS

# More Existing SZ Enhancements:

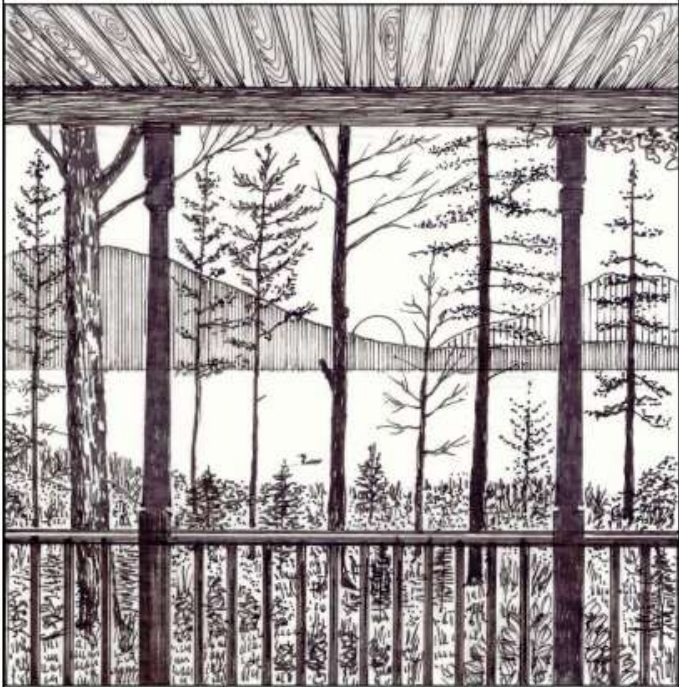
- Infiltration of 24 hour 2-inch rainstorm
- Increase stream buffer from 75 to 100 feet
- Provisions for common areas and waterfront rights of use
- Certified Contractor provision
- Engineer or Architect sign off on non-conforming expansions





# MAINE SHORELAND ZONING

## A HANDBOOK FOR SHORELAND OWNERS



Maine Department of Environmental Protection  
Spring, 2008

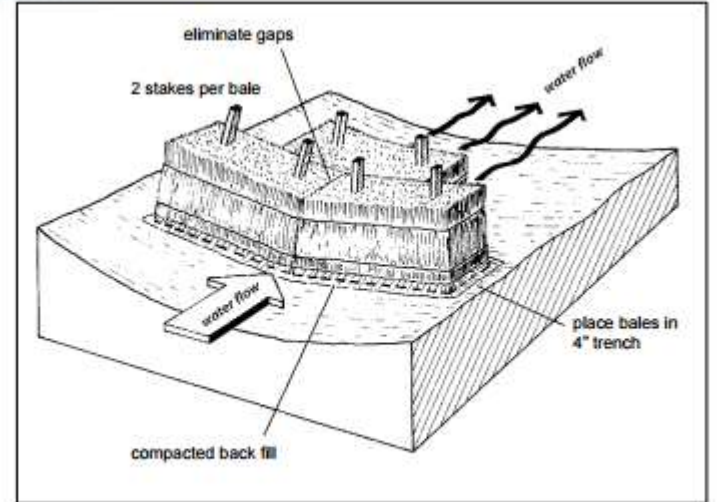
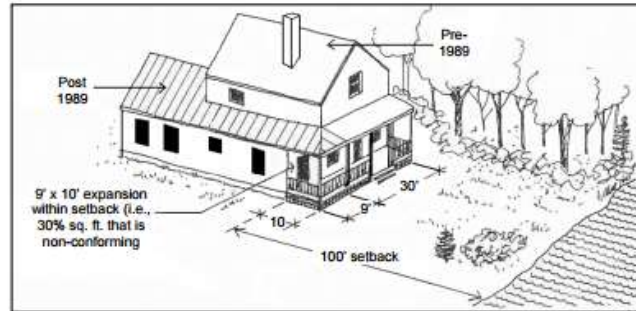
Publication Number: DEPLW0674-D08



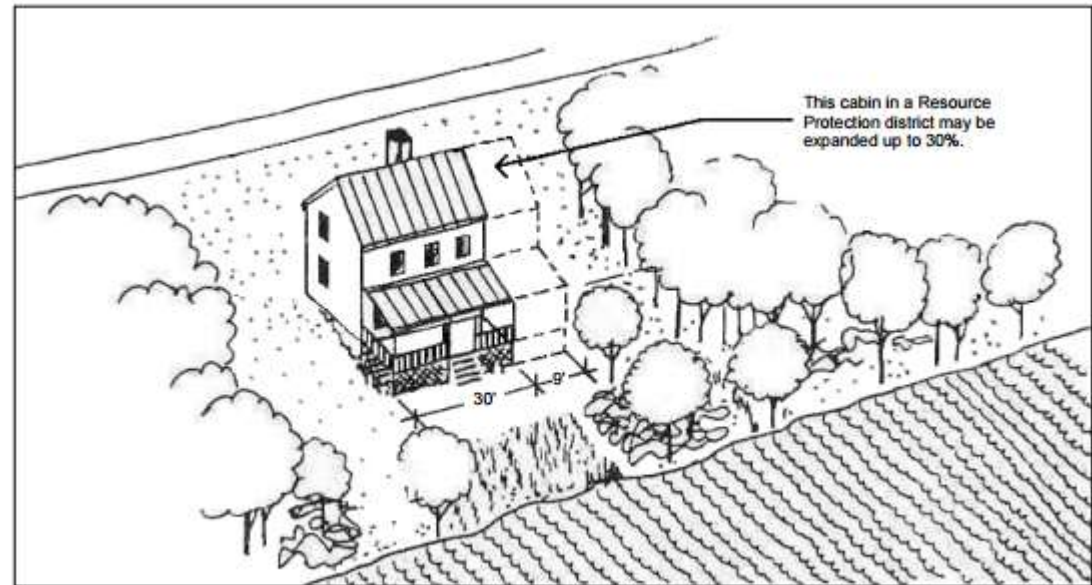
### Part Two – Shoreland Zoning Regulations

#### *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.



Hay Bale Installation





# Reaching new owners...



## *Welcome to the Lake!*

### Memories of a Lifetime Start Here

#### **Congratulations!**

"See you on the lake!" is commonly heard in Maine - and for good reason. Our lakes are among the most beautiful in the world. Their sparkling waters, recreational opportunities, and abundant wildlife make owning lakefront property a dream for many. Now that you have achieved this aspiration, we at the **Maine Lakes Society** wish you many years of outstanding lake time!

#### **A Word to the Wise**

Just as you hold the keys to your new lakeside home, you also hold keys to the future of your lake. How you and I treat land along the lakeshore - and paths and roads leading to it - affects the lake directly. Savvy campers garden with the lake in mind because they know lakes reflect back to us what we do on the lands around them.

#### **Keeping it Beautiful with LakeSmart**

**LakeSmart** is a program that shows homeowners like you how to keep their lakes clean and healthy - and protect their investment in the bargain. Run by the **Maine Lakes Society**, **LakeSmart** is free, non-regulatory, and carries no obligations. View the **LakeSmart Video** at [www.mainelakessociety.org](http://www.mainelakessociety.org) or call Maggie Shannon at 207-495-2301 for more information.

Preserve the value of  
your lakefront home

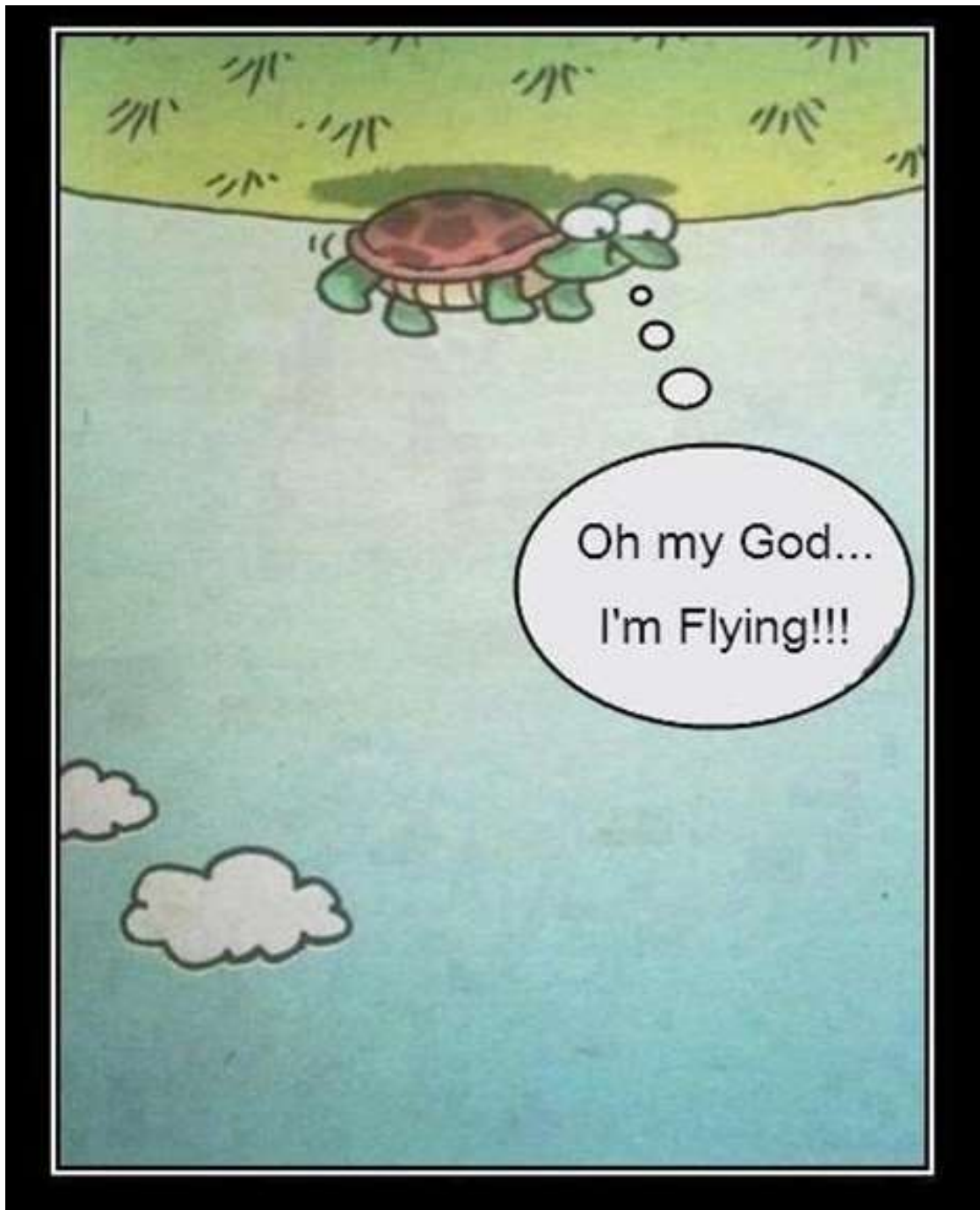
Get simple tips for  
lake friendly living

Plant Something!  
Try beautiful shrubs  
and perennials

LakeSmart is kind  
to loons and 59  
other species

Maine Lakes Society





Oh my God...  
I'm Flying!!!







Questions?