

2020-04-13 Attachment D LIPB Meeting Minutes - Shoreland Zoning Summary

The primary focus of the Planning Board over the past 12 months has been to update the current shoreland zone provisions in Article 4 of Town's Land Use Ordinance (Chapter 14). Residents will be asked to approve the proposed amendment article at Town Meeting.

1) Why change the current article?

State law requires all municipalities to adopt, administer, and enforce ordinances regulating land use activities within the shoreland zone which are consistent with, or no less stringent than guidelines promulgated by the State. If a municipality chooses not to make their local shoreland zone ordinance conform with the Guidelines, then at some point the DEP will impose the current model ordinance and require the municipality to enforce it. Long Island's current shoreland zone provisions were last amended in May 2010 to be consistent with the state guidelines in place at that time.

Every several years the Maine Department of Environmental Protection (DEP) updates its Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances. The Guidelines are written as a model ordinance. The State guidelines were last revised in 2015. These are the standards that the DEP now uses as a guide when reviewing municipal ordinances.

2) Why not just let the DEP impose its model ordinance on us?

Since Long Island became a town we have had our own shoreland zone ordinance that has been crafted to conform to the DEP Guidelines and fit into our local Land Use Ordinance. Our shoreland zone ordinance does not contain those parts of the DEP Guidelines that do not apply to us. For example, we have no great ponds (yes the "marsh" is a pond but it is not big enough to be a great pond) therefore we have no language in our ordinance that deals with great ponds. As a result, our local ordinance is simpler to understand and enforce. This is why the Planning Board expends the time and effort to keep our ordinance in conformance with the current DEP Guidelines.

3) Can the article being presented to voters be amended at Town Meeting

No. The article presented to voters cannot be amended at Town Meeting. It can only be accepted or rejected. Each month between August 2019 and January 2020, Planning Board members considered individual sections of the current provisions and evaluated them against the state's new guidelines. Only as necessary were the current provisions of the ordinance amended to comply with the state requirements. The Board's goal was to make only the minimum number of changes for the revised ordinance to be consistent with the state guidelines and to be approved by DEP.

4) What happens if voters approve the proposed new shoreland zone provisions?

If voters approve the proposed new shoreland zone provisions at Town Meeting, they still must be formally approved by the DEP. However, the proposed revisions have already been reviewed by Jeff Kalinich, the DEP Southern Maine Assistant Shoreland Zoning Coordinator, who has given them his preliminary approval. The Planning Board

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is very confident that if voters at Town Meeting approve the amendment the new provisions should be quickly approved by the State.

- 5) What if a particular change seems to be either administrative over-reach or severely limiting reasonable use or development within the shoreland zone on Long Island?

In almost every instance, the change to the current language being proposed, whether it is deleting current language or adding language was taken directly from the DEP Guidelines. But the Planning Board is open to considering specific changes after the new article is approved by voters and DEP and becomes effective.