

Wilson Appeal

The After the Fact Building and Shoreland Zone Permits, Exhibit #1, should not have been issued because the portion of the parcel where the previously, unpermitted start of the construction is in the Resource Protection District. The following will illustrate the parcel located, Lamoine Tax Map 14, Lot 25, is in the Resource Protection District and show that Principal Structures and Uses are prohibited in the Resource Protection District.

The Lamoine Shoreland Zoning Ordinance was updated, along with its Shoreland Zoning Map in a June 24, 2020 Town Meeting. The updated Lamoine SZO and SZO Map was approved by the Maine Department of Environmental Protection's Shoreland Zoning Coordinator on August 28, 2020.

Sections from the 2020 Lamoine SZO, Exhibit #2

Section 10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

A review of the Map and Legend of the Official 2020 Shoreland Zoning Map , Exhibit #3 which is the Large Format Official Shoreland Zoning Map located in the Town Hall, indicates the Limited Residential District and as per 2020 Lamoine SZO, Section 13.A, "The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the Commercial Fisheries/Maritime Activities District."

Further review of the 2020 SZO Map and Legend identifies the Resource Protection District, and as per the 2020 Lamoine SZO, Section 13. E., "The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except areas which are currently developed and areas which meet the criteria for Limited Commercial or Commercial Fisheries/Maritime activities need not be included within the Resource Protection District. The areas within the Resource Protection District are those designated as Resource Protection on the Town of Lamoine Shoreland Zoning Map, as most recently amended, and areas meeting one or more of the following criteria:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W). These shall include any such areas in Lamoine that the Department of Environmental Protection has designated as areas of "significant wildlife habitat."

2. Flood plains defined by the 100 year Flood Plain as designated on the most recent Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, or the flood of record, or, in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps, but shall not include land within the shoreland zone which is shown by a surveyor to be outside the 100 year flood plain.

3. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, as determined by a Certified Soil Scientist, which are not part of a freshwater or coastal wetland as defined and which are not surficially connected to a water body during normal spring high water. 5. Land areas subject to severe bank

erosion or undercutting and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs. 6. Other areas which have been recommended for protection in the Town of Lamoine's Comprehensive Plan including wildlife habitats, sites of significant scenic or esthetic value and sites of historic or archeological significance.

A review of the **ME IF&W and the ME DEP "Significant Wildlife Habitat - Shorebird, Tidal, and Waterfowl Habitats Map" Exhibit #4**, indicates all areas within 250' of the shore of Raccoon Cove is within the **"Shorebird Habitat + 250' buffer"**, therefore in the **Resource Protection District**.

The parcel identified on Tax Map 14, Lot 25, appears to be 312' Eastside, 292' Westside, 268' on the Shore, and 355' of Road Frontage.. The Building Permit Application's Sketch indicates the structure is within an area approximately 112' to 144' from the "shore", **Exhibit #1**. This area is clearly within the 250' "Shorebird Habitat + 250' buffer", as indicated on the **2020 SZO Map, the ME IF&W and the ME DEP "Significant Wildlife Habitat - Shorebird, Tidal, and Waterfowl Habitats Map" and Section 13.E of the Lamoine 2020 SZO, therefore within the Resource Protection District. (Exhibit #4)**

The **2020 SZO, Section 14. TABLE OF LAND USES** states, "All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. **"The district designation for a particular site shall be determined from the Official Shoreland Zoning Map."** A review of Table 1.22A indicates that **"Principal Structures and use", "One and two family residential" in the RP as "NO"**.

Section 14. TABLE OF LAND USES All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be **determined from the Official Shoreland Zoning Map**.

Key to Table 1:

yes - Allowed - No permit required but the use must comply with all applicable local & State land use regulations.

PB - Allowed with permit issued by the Planning Board

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

no - Prohibited

Abbreviations: -

LR - Limited Residential

LC - Limited Commercial

CFMA - Commercial Fisheries/Maritime Activities

SP - Stream Protection

RP - Resource Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

Land Uses		LR	LC	CFMA	SP	RP
1	Agriculture	CEO ³	CEO ³	NO	CEO ³	CEO ³
2	Aquaculture	no	PB	PB	PB	PB
3	Bunkhouses	no	no	no	no	no
4	Campgrounds	PB	PB	no	no	no
5	Clearing of vegetation for approved construction and other allowed uses	yes ²	yes ²	yes ²	CEO	CEO ^{1,2}
6	Conversions of seasonal residences to year-round residences	LPI	LPI	no	LPI	no
7	Emergency operations	yes	yes	yes	yes	yes
8	Essential services	PB	PB	PB	PB ⁶	PB ⁶
9	Filling and earthmoving of < 10 cubic yards	yes	yes	yes	CEO	CEO
10	Filling and earthmoving of > 10 cubic yards	CEO	CEO	CEO	PB	PB
11	Fire prevention activities	yes	yes	yes	yes	yes
12	Home occupations	PB	PB	PB	no	no
13	Individual, private campsites	CEO	CEO	CEO	CEO	CEO
14	Marinas	PB	PB	PB	no	no
15	Mineral exploration	no	no	no	no	no
16	Mineral extraction including sand and gravel extraction	no	no	no	no	no
17	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
18	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
19	Parking facilities	PB	PB	PB ⁵	no	no ⁷
20	Pathway within 100' of median high water	CEO	CEO	CEO	CEO	CEO
21	Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
	a. Temporary	CEO	CEO	CEO	CEO	CEO
	b. Permanent	PB	PB	PB ⁵	PB	PB
22	Principal Structures and uses					
	A. One and two family residential	CEO	CEO	no	no	no
	B. Multi-unit residential	PB	PB	no	no	no
	C. Commercial	no	PB	PB ⁵	no	no
	D. Industrial	no	no	PB ⁵	no	no
	E. Governmental and Institutional	no	PB	PB ⁵	no	no
	F. Small non-residential facilities for educational, scientific or nature interpretation purposes.	CEO	CEO	PB ⁵	PB ⁴	PB
23	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	no	no
24	Public and private recreational areas involving removal or addition of more than 10 cubic yards of soils and minor structural development.	CEO	CEO	PB ⁵	no	no
25	Road and driveway construction	CEO	CEO	CEO ⁵	PB	no ⁸
26	Service drops, as defined, to allowed uses	yes	yes	yes	CEO	CEO
27	Signs	CEO	CEO	CEO	CEO	CEO
28	Soil and water conservation practices	yes	yes	yes	yes	yes
29	Structures accessory to allowed uses	CEO	CEO	PB	PB ⁴	PB
30	Surveying and resource analysis	yes	yes	yes	yes	yes
31	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
32	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
33	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

34	Wildlife management practices	yes	yes	yes	yes	yes
----	-------------------------------	-----	-----	-----	-----	-----

¹ In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards

² Requires consultation with the Code Enforcement Officer prior to removal of vegetation

³ See Section 15N (Agriculture)

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only

⁶ See further restrictions in Section 15(L)(2)

⁷ Except when area is zoned for Resource Protection due to Flood Plain criteria in which case a permit is required from the Planning Board

⁸ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

Lists of Exhibits

#1 / Town of Lamoine Construction Application / Permit 323-03

#2 / Sections from 2020 Lamoine SZO

#3 / Map and Legend of the Official 2020 Shoreland Zoning Map

#4 / ME IF&W and the ME DEP Significant Wildlife Habitat - Shorebird, Tidal, and Waterfowl Habitats Map

#5 Town of Lamoine Tax Map 14, Lot 25

EXHIBIT #1
Town of Lamoine
Construction Application
Permit 23-03
Shoreland Zone



**Town of Lamoine
Construction Application**

This section to be completed by Code Enforcement Officer
 Map 14 Lot 25 Zone _____ Shoreland Zone LR Flood Zone _____
 Fee Calculation \$1044.80 Date Received 1/1/23 Permit Number 2303

Building Permit Shoreland Permit Floodplain Hazard Permit Commercial

The undersigned applies for a construction permit for the uses indicated below. Said permit is to be considered on the basis of the information contained within this application. Any Federal, State or Local statutes, or regulations shall be applicable and their compliance necessary to obtain a permit. The permit will be issued to the owner of record or properly designated agent. Incomplete applications will NOT be processed.

Section I – Owner, Applicant & Contractor Information

Owner		Applicant		Contractor	
Name	David, Terry Wilson	Filmora Inc		Michael F. J. RDA	
Mailing Address	11 Elmwood way	P.O. Box 296		P.O. Box 296	
City, St. Zip	Gardiner, Me	Ellsworth Me 04805		Ells Me 04805	
Home Phone	---				
Work Phone	---	207-667-1524		(207) 667-1524	
Cell Phone	(572)-704-8946	207 266-4905		(207) 266-4905	
Email	drew22@mc.com	michael.f.j.2020@1962.com Hotmail.com		michael.2020@1962.com Hotmail.com	

Section II – Lot information

Existing Property Use _____ Lot Size (acres or square feet) _____

Physical Address of property (road name & number) _____

Please Answer all questions below	Yes*	No	Facilities Info (check all that apply)
Are Current Uses non-conforming?		<input checked="" type="checkbox"/>	Well <input checked="" type="checkbox"/>
Are State or Federal Permits Required?		<input checked="" type="checkbox"/>	Cold Spring Water Co Customer? <input type="checkbox"/>
Is State or Federal Funding provided?		<input checked="" type="checkbox"/>	Septic System Permit # _____
Is lot created by division from another Lot in the past 5 years?		<input checked="" type="checkbox"/>	Subdivision name & Lot # _____

*If yes, attach explanation to application

Section III – Proposed Construction Activity-Briefly Describe in Box Below

Dig and backfill foot wall (concrete), construct a 6x82 ramp with 9ft. above and a 12'x26' shop floor on one side + there will be a 6'x12 covered porch front end of 8'x13 Deck on second floor

(Check All That Apply, fill in dimensional information) **Provide RV, Mobile Home Information requested on Page 5

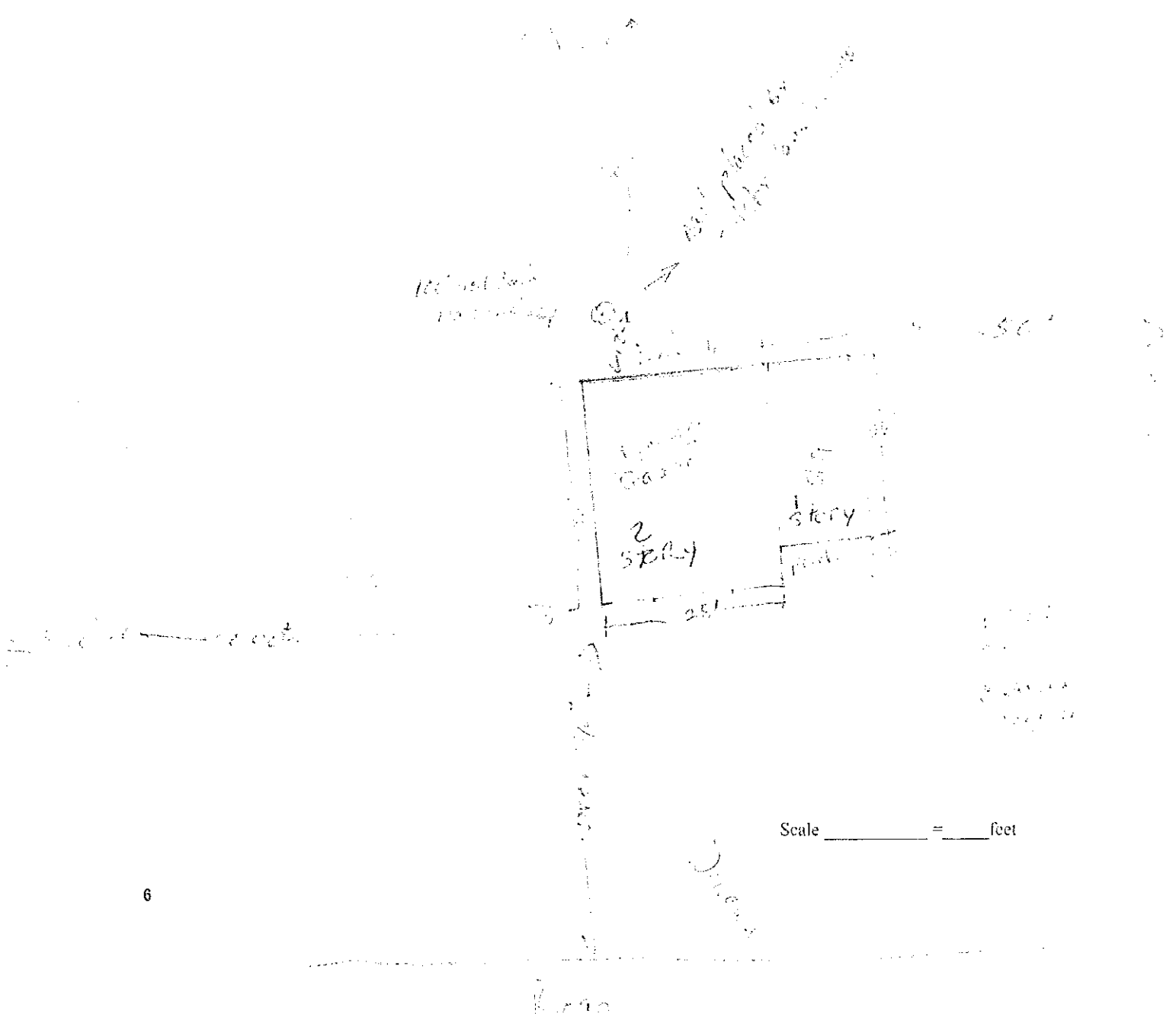
Residential Uses	#Stories*	Sq. Ft.	Total Sq. Ft	SSWD #	Int Plumb #	Accessory Uses	Sq Ft
<input checked="" type="checkbox"/> New Dwelling Unit	2		1012			Garage/Shed/Barn	896
<input type="checkbox"/> Manufactured Home						Deck	
<input type="checkbox"/> Mobile Home*						Shore Access	
<input type="checkbox"/> Change of Use							
<input type="checkbox"/> Expansion							
<input type="checkbox"/> Recreational Vehicle**							
<input type="checkbox"/> Ground coverage in Shoreland Zone							

*A foundation (other than a slab) is a separate story

PLOT PLAN

PLEASE INCLUDE ALL SETBACK DISTANCES FROM:

Property Boundaries, Roads, Streets and rights of way, all wetlands and waterbodies, any existing wells and septic systems. Include 100 foot shoreland set back and/or flood elevations if applicable. Show all proposed decks & porches. **Please identify all abutter names.** (You may attach your own plot plan if you desire)



2020 Lamoine SZO

Section 16. ADMINISTRATION

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. The applicant is responsible for obtaining all required permits prior to the issuance of a Lamoine Shoreland permit. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

C. Permit Application

Every applicant for a Shoreland Zoning permit shall complete all applicable sections of the Town of Lamoine Construction Application form. The application shall include all information listed below and be submitted to the appropriate official as indicated in Section 14 – Table of Land Uses. Applications submitted to the Planning Board must be signed by the Code Enforcement Officer to indicate that they have been reviewed for completeness. Application materials must be submitted in nine copies (one for each Board member, one for the CEO, and one for the Town file).

1. The Shoreland Zoning permit application shall include:

- a. detailed plot plan (See Attachment A of the Construction Application) showing the names of abutting landowners, boundary lines and perimeter footage, all setback measurements, Flood Plain boundary lines, sewage plans, roads, site elevation above normal high-water mark, and location and elevation notations if required by section d and/or e below;
- b. front and side elevations drawings of any proposed structures (See Attachment B of the Construction Application);
- c. a completed HHE-200 (or successor form used as an application for septic system permit), with a written statement from the Town Plumbing Inspector that the design is sufficient to allow granting of a plumbing permit (Form obtained from CEO);
- d. a Flood Hazard Development permit if required, which includes, where necessary, a letter from a registered surveyor attesting to the placement of markers indicating the boundary of the Flood Plain affecting the location of structures and other land uses (See Article III Flood Plain Management Ordinance);
- e. in cases where construction will occur within 125 feet of normal high water mark, a letter from a registered surveyor attesting to the fact that markers indicating the location and elevation of the 100 foot setback from normal high water mark have been placed on the property;

- f. the signature of the owner or owners who can show evidence of right, title, or interest in the parcel or their authorized agent (in which case a letter of authorization must be included);
- g. the appropriate fee;
- h. any other information that the Code Enforcement Officer or Planning Board may require as necessary to determine conformity with the provisions of this Ordinance.

In addition to the above information and that information stipulated in Lamoine's Building and Land Use Ordinance, applications for governmental, institutional, commercial or industrial principal structures or for public or private recreational facilities must be accompanied by an environmental impact study indicating the effects of the proposed land use on the parcel, on abutting landowners, on the abutting water bodies and on their customary uses.

2. Flood Hazard Development Permit Required Prior to Building Permit.

No building permit shall be issued for any structure or use on a parcel which, in part or in whole, falls within the Flood Plain unless the conditions of the Town of Lamoine Flood Plain Management Ordinance are met. In cases where a Flood Plain Zone restricts the proposed land use, a registered surveyor must mark the boundary of that zone on the parcel and provide a letter to the Planning Board attesting to the accurate placement of those markers. In these cases, a Flood Hazard Development permit must be obtained prior to the issuance of a Building Permit.

3. Plumbing Permit Required Prior to Building Permit

No building permit shall be issued for any structure or use involving construction, installation or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or an authorized agent, according to the requirements of this Ordinance.

4. All applications shall be dated and the Planning Board shall note upon each application the date and time of the Planning Board meeting at which it was received.

EXHIBIT #2
Town of Lamoine
2020 Shoreland Zoning Ordinance
Pertinent Sections

SHORELAND ZONING ORDINANCE
Town of Lamoine, Maine
Approved: June 24, 2020

Table of Contents

Section 1. PURPOSES	2
Section 2. AUTHORITY.....	2
Section 3. APPLICABILITY.....	2
Section 4. EFFECTIVE DATE.....	2
Section 5. AVAILABILITY.....	3
Section 6. SEVERABILITY.....	3
Section 7. CONFLICTS WITH OTHER ORDINANCES	3
Section 8. AMENDMENTS.....	3
Section 9. DISTRICTS AND ZONING MAP.....	4
Section 10. INTERPRETATION OF DISTRICT BOUNDARIES.....	4
Section 11. LAND USE REQUIREMENTS	4
Section 12. NON-CONFORMANCE.....	4
Section 13. ESTABLISHMENT OF DISTRICTS.....	9
Section 14. TABLE OF LAND USES.....	11
Section 15. LAND USE STANDARDS.....	13
Section 16. ADMINISTRATION.....	12
Section 17. DEFINITIONS.....	10

Section 5. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Lamoine, the more restrictive provision shall control.

Section 8. AMENDMENTS

This Ordinance may be amended by majority vote of the Lamoine Town Meeting. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. DISTRICTS AND ZONING MAP

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

1. Limited Residential
2. Limited Commercial
3. Commercial Fisheries/Maritime Activities
4. Stream Protection
5. Resource Protection

B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. LAND USE REQUIREMENTS

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. NON-CONFORMANCE

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.

B. General

1. Transfer of Ownership:

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance:

This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots - Vacant or Partially Built:

If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on May 8, 1993 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. ESTABLISHMENT OF DISTRICTS

The Town of Lamoine establishes Shoreland Zone Districts to permit the orderly development of different shoreland uses. In doing so, the Town recognizes the need to encourage diverse uses including residential, economic and resource protection and to balance these one with another.

Shoreland Zone Districts are established by vote of the Town according to the following definitions and guidelines. The Town of Lamoine Shoreland Zoning Map, as most recently amended, assigns a district designation to all the town's shoreland -- the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river or saltwater body and within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream. The Map is available in the Town Office.

A. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the Commercial Fisheries/Maritime Activities District.

B. Limited Commercial District

The Limited Commercial District includes areas of mixed light commercial and residential uses which can coexist compatibly so as not to intrude upon one another. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Excluded from this district are those areas which:

1. Fall within the 100 year flood plain;
2. Are designated as Resource Protection District; or
3. Are located in a Stream Protection District.

C. Commercial Fisheries/Maritime Activities District

The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses. The following factors will be taken into consideration by the Board and Town when making a decision:

1. Shelter from prevailing winds and waves;
2. Slope of the land within 250 feet, horizontal distance, of the normal high-water line;
3. Depth of the water within 150 feet, horizontal distance, of the shoreline;
4. Available support facilities including utilities and transportation facilities;
5. Compatibility with adjacent upland uses;
6. Historic uses, prevailing current uses, and future uses as projected in the Town of Lamoine Comprehensive Plan;
7. Compatibility of uses within the District. The Planning Board may restrict certain functionally water-dependent uses if they are incompatible with the dominant uses projected in the Town of Lamoine Comprehensive Plan.

D. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river or saltwater body, or within two hundred and fifty (250) feet horizontal distance of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet horizontal distance of the above water bodies or wetlands, the land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

E. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except areas which are currently developed and areas which meet the criteria for Limited Commercial or Commercial Fisheries/Maritime activities need not be included within the Resource Protection District. The areas within the Resource Protection District are those designated as Resource Protection on the Town of Lamoine Shoreland Zoning Map, as most recently amended, and areas meeting one or more of the following criteria:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W). These shall include any such areas in Lamoine that the Department of Environmental Protection has designated as areas of "significant wildlife habitat."
2. Flood plains defined by the 100 year Flood Plain as designated on the most recent Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, or the flood of record, or, in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps, but shall not include land within the shoreland zone which is shown by a surveyor to be outside the 100 year flood plain.
3. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, as determined by a Certified Soil Scientist, which are not part of a freshwater or coastal wetland as defined and which are not surficially connected to a water body during normal spring high water.
5. Land areas subject to severe bank erosion or undercutting and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
6. Other areas which have been recommended for protection in the Town of Lamoine's Comprehensive Plan including wildlife habitats, sites of significant scenic or esthetic value and sites of historic or archeological significance.

Section 14. TABLE OF LAND USES

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- yes - Allowed - No permit required but the use must comply with all applicable local & State land use regulations.
- PB - Allowed with permit issued by the Planning Board
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector
- no - Prohibited

Abbreviations:

- LR - Limited Residential
- LC - Limited Commercial
- CFMA - Commercial Fisheries/Maritime Activities
- SP - Stream Protection
- RP - Resource Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

Land Uses		LR	LC	CFMA	SP	RP
1	Agriculture	CEO ³	CEO ³	NO	CEO ³	CEO ³
2	Aquaculture	no	PB	PB	PB	PB
3	Bunkhouses	no	no	no	no	no
4	Campgrounds	PB	PB	no	no	no
5	Clearing of vegetation for approved construction and other allowed uses	yes ²	yes ²	yes ²	CEO	CEO ^{1,2}
6	Conversions of seasonal residences to year-round residences	LPI	LPI	no	LPI	no
7	Emergency operations	yes	yes	yes	yes	yes
8	Essential services	PB	PB	PB	PB ⁶	PB ⁶
9	Filling and earthmoving of < 10 cubic yards	yes	yes	yes	CEO	CEO
10	Filling and earthmoving of > 10 cubic yards	CEO	CEO	CEO	PB	PB
11	Fire prevention activities	yes	yes	yes	yes	yes
12	Home occupations	PB	PB	PB	no	no
13	Individual, private campsites	CEO	CEO	CEO	CEO	CEO
14	Marinas	PB	PB	PB	no	no
15	Mineral exploration	no	no	no	no	no
16	Mineral extraction including sand and gravel extraction	no	no	no	no	no
17	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
18	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
19	Parking facilities	PB	PB	PB ⁵	no	no ⁷
20	Pathway within 100' of median high water	CEO	CEO	CEO	CEO	CEO
21	Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
	a. Temporary	CEO	CEO	CEO	CEO	CEO
	b. Permanent	PB	PB	PB ⁵	PB	PB
22	Principal Structures and uses					
	A. One and two family residential	CEO	CEO	no	no	no
	B. Multi-unit residential	PB	PB	no	no	no
	C. Commercial	no	PB	PB ⁵	no	no
	D. Industrial	no	no	PB ⁵	no	no
	E. Governmental and Institutional	no	PB	PB ⁵	no	no
	F. Small non-residential facilities for educational, scientific or nature interpretation purposes.	CEO	CEO	PB ⁵	PB ⁴	PB
23	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	no	no
24	Public and private recreational areas involving removal or addition of more than 10 cubic yards of soils and minor structural development.	CEO	CEO	PB ⁵	no	no
25	Road and driveway construction	CEO	CEO	CEO ⁵	PB	no ⁸
26	Service drops, as defined, to allowed uses	yes	yes	yes	CEO	CEO
27	Signs	CEO	CEO	CEO	CEO	CEO

28	Soil and water conservation practices	yes	yes	yes	yes	yes
29	Structures accessory to allowed uses	CEO	CEO	PB	PB ⁴	PB
30	Surveying and resource analysis	yes	yes	yes	yes	yes
31	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
32	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
33	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB
34	Wildlife management practices	yes	yes	yes	yes	yes

¹ In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards

² Requires consultation with the Code Enforcement Officer prior to removal of vegetation

³ See Section 15N (Agriculture)

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only

⁶ See further restrictions in Section 15(L)(2)

⁷ Except when area is zoned for Resource Protection due to Flood Plain criteria in which case a permit is required from the Planning Board

⁸ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

Section 15. LAND USE STANDARDS

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
1. <u>Minimum Lot Size</u>	40,000	200
2. <u>Residential per dwelling unit</u>		
a. Within the Shoreland Zone Adjacent to Tidal Areas	40,000	200
b. Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
3. <u>Governmental, Institutional, Commercial or Industrial per principal structure</u>		
a. Within the Shoreland Zone Adjacent to Tidal Areas Exclusive of Those	60,000	300

Areas Zoned for Commercial Fisheries and Maritime Activities		
b. Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
c. Within the Shoreland Zone Adjacent to Non-Tidal Areas	60,000	300
4 <u>Public and Private Recreational Facilities</u>		
a. Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	60,000	300

5. If more than one residential dwelling unit, more than one governmental, institutional, commercial or industrial principal structure, or more than one public or private recreational facility is constructed on a single parcel, all dimensional requirements, including shore frontage, shall be met for each additional unit, principal structure, facility, or use.

When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

6. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
7. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
8. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
9. Lots shall meet or exceed the minimum lot standards of the Building and Land Use Ordinance, Town of Lamoine.

B. Principal and Accessory Structures

1. Principal and Accessory Structures

All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of any water bodies, tributary streams, or the upland edge of a wetland, except:

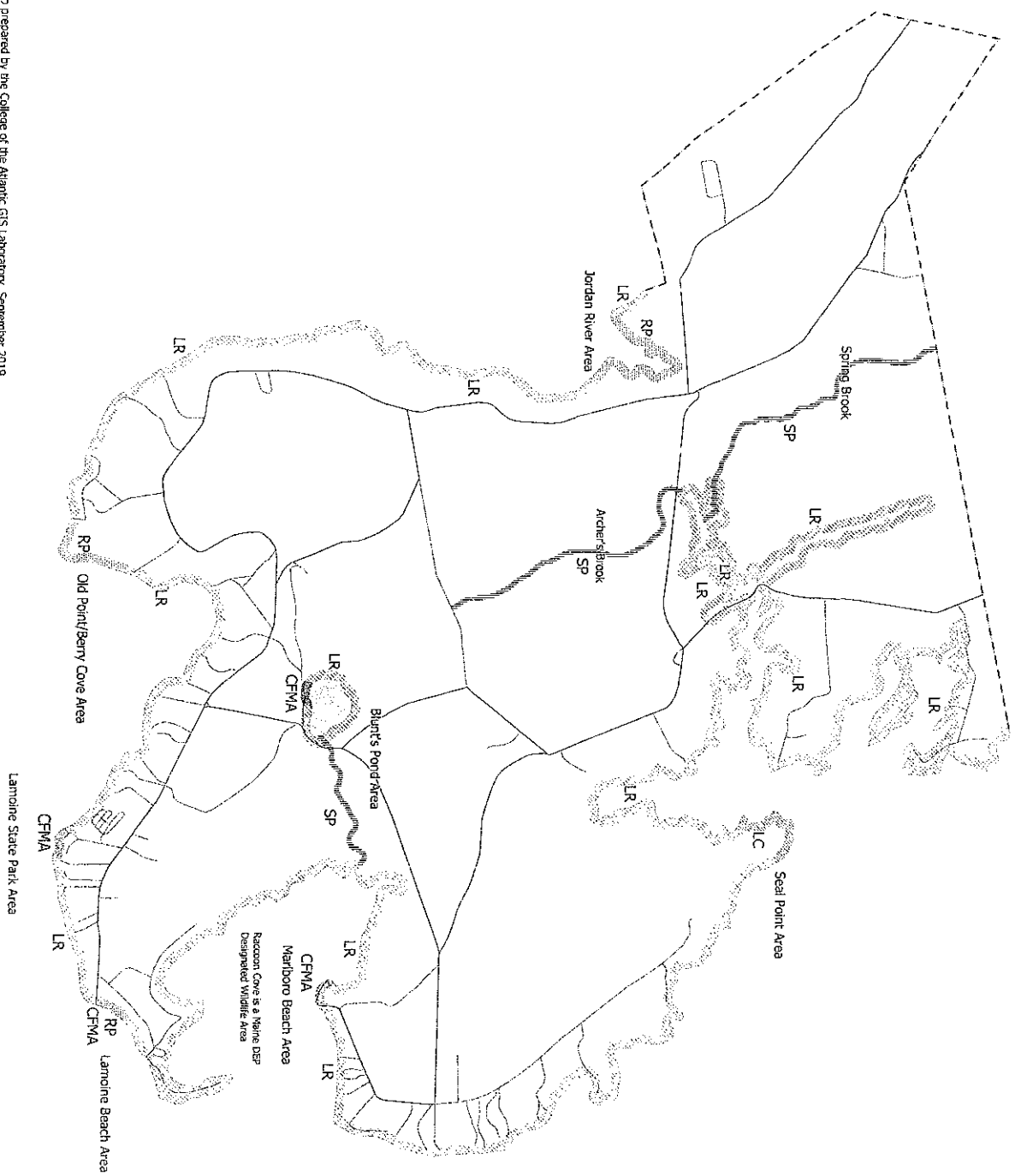
- a. in the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified shall apply;
- b. in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback if uses are functionally water-dependent; or

EXHIBIT #3
Town of Lamoine
2020 Shoreland Zoning Map
Official Map in Town Hall
Web Map for Demonstration

Town of Lamoine Shoreland Zoning Map

- Shoreland Zoning Districts
- Limited Residential
 - Limited Commercial
 - Commercial Fisheries-Maritime Activities
 - Resource Protection
 - Stream Protection

Parcels outlined with dashed lines are within the Jordan River Area, Spring Brook, Archer's Brook, Blunt's Pond Area, Seal Point Area, Mariboro Beach Area, Racoon Cove is a Maine DEP Designated Wildlife Area, Old Point/Berry Cove Area, and Lamoine Beach Area.



Lamoine Comprehensive Zoning Ordinance, Chapter 126, Section 126.12 & 126.13

Comprehensive Zoning Ordinance, Article 126, Section 126.12 & 126.13
 Jordan River Area: Map 126.12 & 126.13, 126.12 & 126.13
 Spring Brook: Map 126.12 & 126.13, 126.12 & 126.13
 Archer's Brook: Map 126.12 & 126.13, 126.12 & 126.13
 Blunt's Pond Area: Map 126.12 & 126.13, 126.12 & 126.13

Seal Point Area: Map 126.12 & 126.13, 126.12 & 126.13
 Mariboro Beach Area: Map 126.12 & 126.13, 126.12 & 126.13
 Racoon Cove is a Maine DEP Designated Wildlife Area: Map 126.12 & 126.13, 126.12 & 126.13
 Old Point/Berry Cove Area: Map 126.12 & 126.13, 126.12 & 126.13
 Lamoine Beach Area: Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

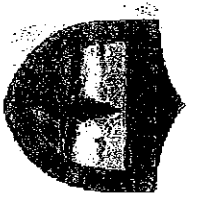
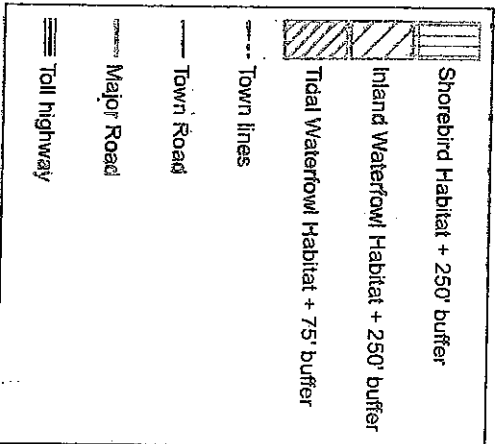
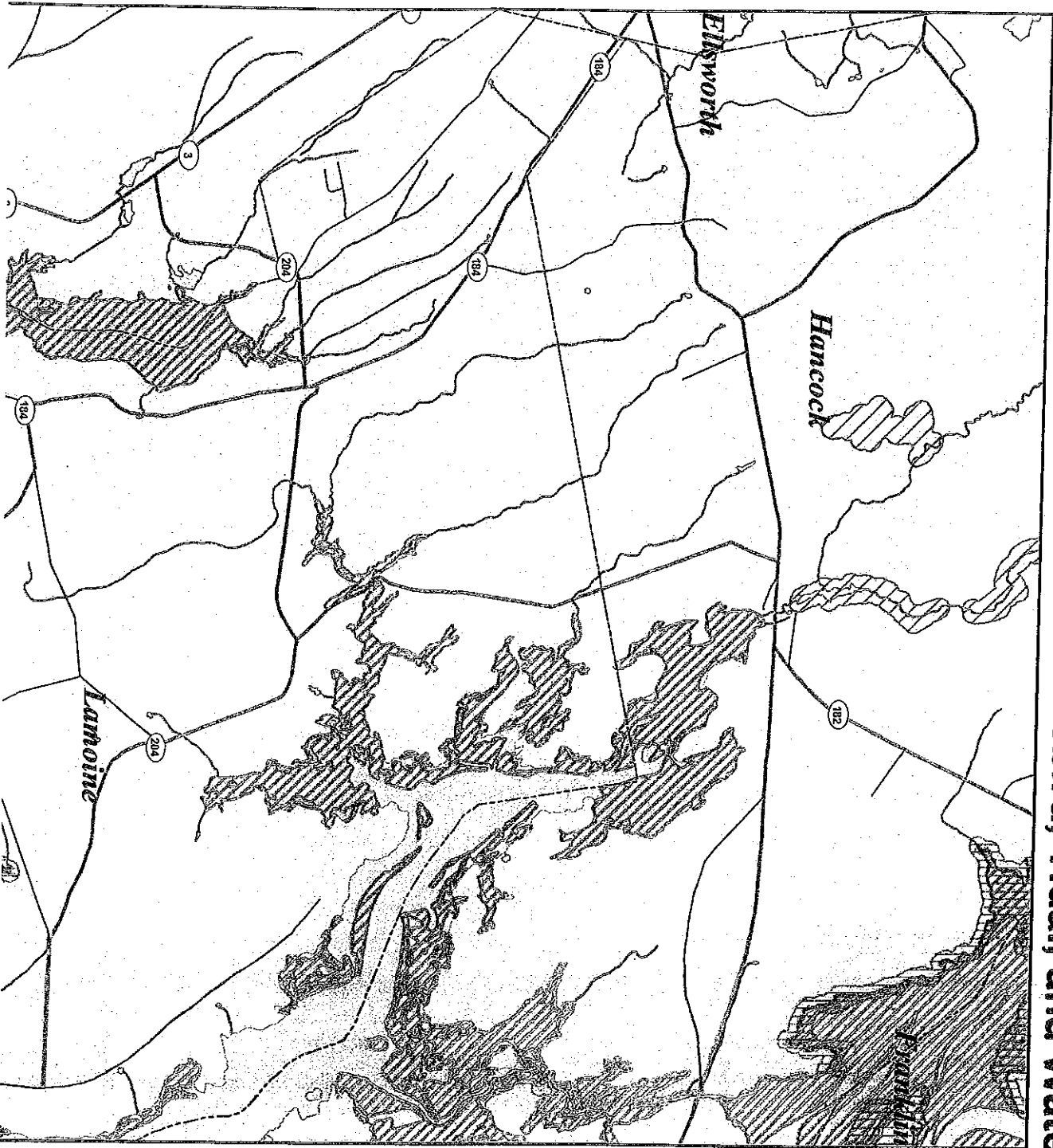
Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13
 Map 126.12 & 126.13, 126.12 & 126.13

EXHIBIT #4
Town of Lamoine
Significant Wildlife Habitat
Shorebird, Tidal, and Waterfowl Habitats

Lamoine

Significant Wildlife Habitat - Shorebird, Tidal, and Waterfowl Habitats



This map represents

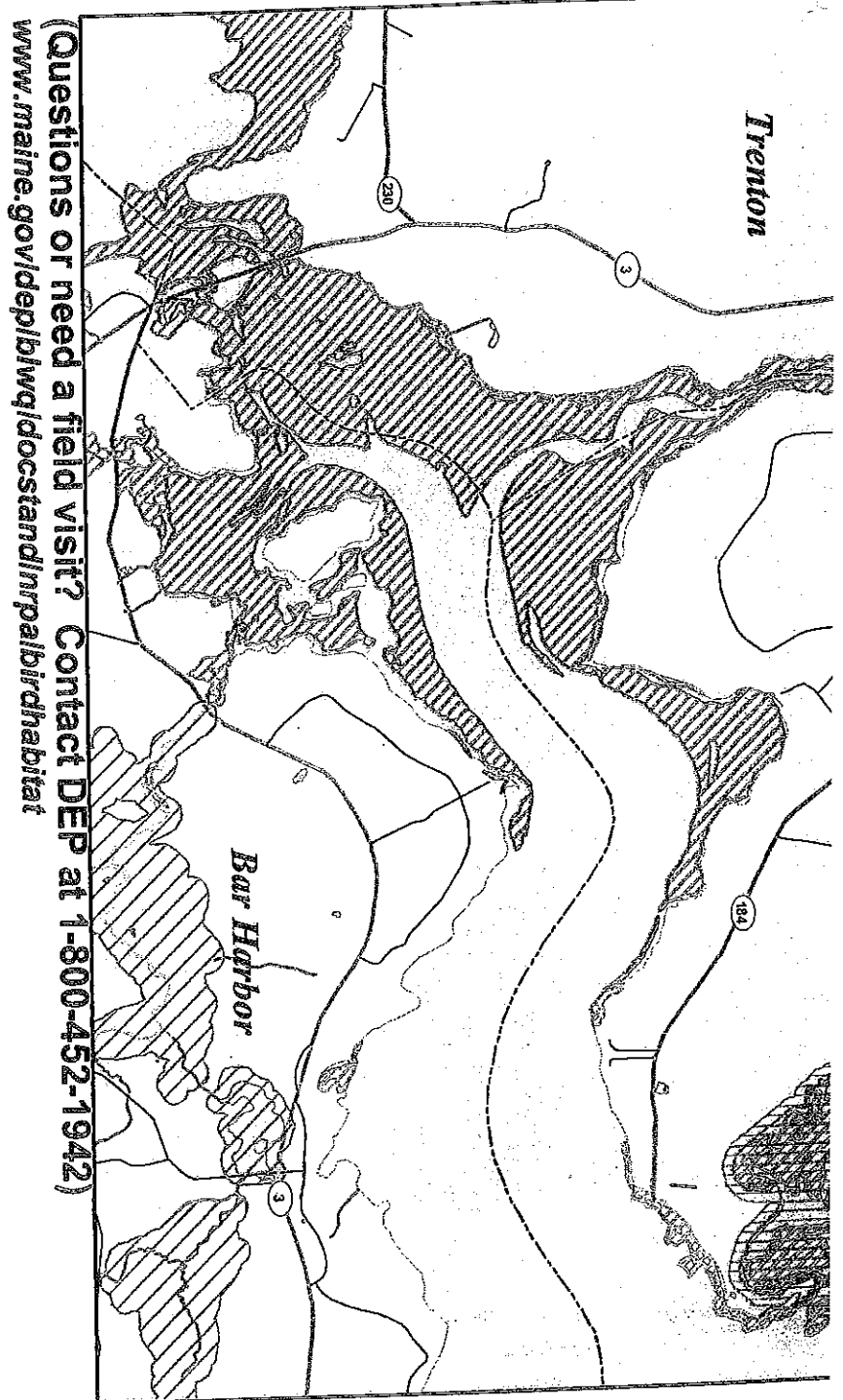
by your determination regarding whether your property is affected.

Background hydrologic, topographic and political features are accurate to +/- 40 feet and are based on USGS topographic maps.

Map scale:
1:65,938
when printed on
8.5 x 11 paper



October 3, 2006

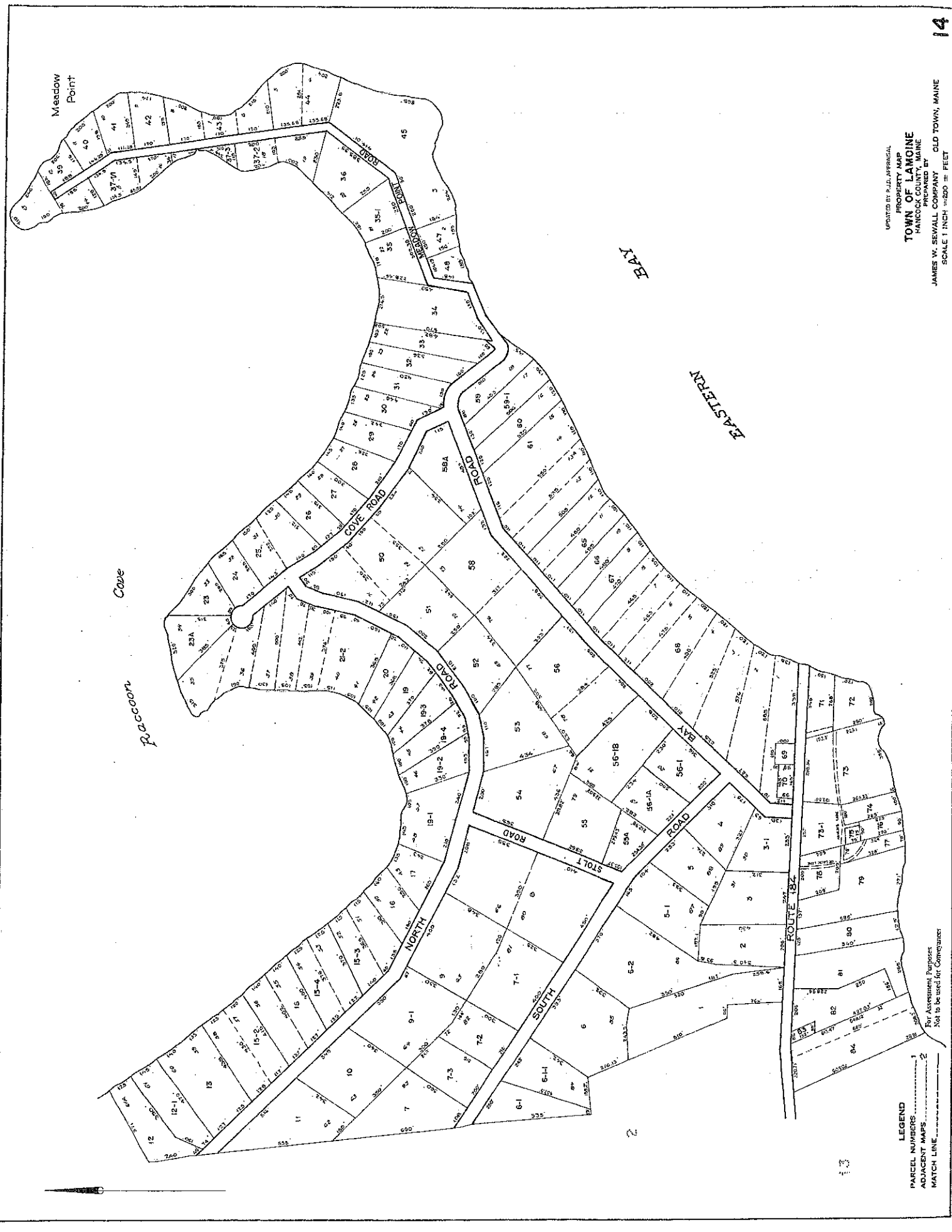


(Questions or need a field visit? Contact DEP at 1-800-452-1942)

www.maine.gov/depl/bwq/docstand/nrpalbir/dhabitat

EXHIBIT #5
Town of Lamoine
Tax Map 14, Lot 25

UPDATED BY P.J.D. JEFFREY
 PROPERTY MAP
 TOWN OF LAMONE
 HANCOCK COUNTY, MAINE
 PREPARED BY
 JAMES W. SEWALL COMPANY
 OLD TOWN, MAINE
 SCALE 1 INCH = 200 FEET



LEGEND
 PARCEL NUMBERS 1
 ADJACENT MAPS 2
 MATCH LINE

For Assessment Purposes
 Not to be used for Conveyances