

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2023 to December 31, 2023**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)*

**Agency name:** Saco River Corridor Commission  
**Umbrella-Unit:** **94-412**  
**Statutory authority:** 38 MRS §954-C  
**Chapter number/title:** **Ch. 103**, Standards to Address the Environmental Factors  
**Filing number:** **2023-001**  
**Effective date:** 1/10/2023  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
To make simple technical changes to the rule

**Basis statement:**  
This proposal includes simple technical changes to the rule to coincide with other performance standards. These proposed changes will not alter the operation of this rule.

The Commission received two highly favorable comments, a Resolution from Biddeford approving the changes and an equally favorable concurrence from Robinson Public Relations and Outreach.

Biddeford commented that the rule changes were appropriate regarding the City's development and expansion plans. It enclosed a resolution memorializing its official approval of the rules changes as proposed.

Robinson Public Relations and Outreach commented that it, too, approved the changes as written.

**Fiscal impact of rule:**  
None.

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**Agency name:** Saco River Corridor Commission  
**Umbrella-Unit:** **94-412**  
**Statutory authority:** 38 MRS §954-C  
**Chapter number/title:** **Ch. 104-A**, Performance Standards for Multi-Unit Uses, including Condominium and Cluster Development within the General Development District  
**Filing number:** **2023-002**  
**Effective date:** 1/10/2023  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To provide performance standards for multi-unit uses in alignment with the respective corridor Municipal Zoning Ordinance or Shoreland Zoning ordinance when the use is connected to a Municipal Sewer System within areas of the General Development District of the corridor.

**Basis statement:**

This proposed new performance standard is solely for multi-unit uses, which are included but not limited to apartments, condominiums, accessory dwelling units, and cluster developments. The Commission recognizes that in these instances multi-unit uses are appropriate in the Corridor when the use is connected to Municipal sewer, dependent on the design and available land within the General Development District.

The Commission received two highly favorable comments, a Resolution from Biddeford approving the changes and an equally favorable concurrence from Robinson Public Relations and Outreach.

Biddeford commented that the rule changes were appropriate regarding the City's development and expansion plans. It enclosed a resolution memorializing its official approval of the rules changes as proposed.

Robinson Public Relations and Outreach commented that it, too, approved the changes as written.

**Fiscal impact of rule:**

None.

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**Agency name:** Saco River Corridor Commission  
**Umbrella-Unit:** **94-412**  
**Statutory authority:** 38 MRS §954-C  
**Chapter number/title:** **Ch. 107**, Performance Standards Governing Expansions of existing Nonconforming Uses, including Structures  
**Filing number:** **2023-003**  
**Effective date:** 1/10/2023  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

These performance standards provide a more consistent document that is easier for applicants to comprehend and more effective for the Saco River Corridor Commission to enforce.

**Basis statement:**

**DETAILED SUMMARY:** This proposal accomplishes five (5) primary revisions to Chapter 107, resulting in standards that are, in some areas, more restrictive, while in others, less restrictive. This proposal provides a more consistent document that is easier for the applicant to comprehend and more effective for the Saco River Corridor Commission to enforce. Importantly, the proposals do not compromise the Commission's ability to attain its mission of lessening the environmental impacts to the Saco River Corridor.

- 1) 30% Expansion Calculations.** This proposal changes the current calculation method for a 30% expansion from a volume and/or square footage measurement to a simple footprint measurement with height parameters consistent with the Maine Department of Environmental Protection (DEP) calculation methods.

Currently, the terms footprint, floor area, square footage, land area, height (indicating volume), and dimension are used interchangeably. The rule changes include consistent and clear standards that will be easier for applicants to understand and more effective for the Commission to apply and enforce. Additionally, the current expansion standards for basements are complicated by the square footage expansion standards leading to a large amount of time and consideration over how those areas are calculated for an expansion. The use of the building footprint for expansions eliminates the need to consider criteria such as interior floor area or non-living space. Last, the rule changes better define how accessory structures count toward expansions.

Approximately five years ago, the Maine DEP, having experienced the same issues while struggling to provide consistent recommendations across Maine's communities, simplified their 30% expansion rules to be based on footprint and height exclusively. Thus far, the DEP staff indicates that the new rules are less confusing, provide more consistency, and, importantly, achieve the same goal. This proposal will enable the Commission to oversee 30% expansion projects more efficiently and consistently. In some cases, this proposal will permit a taller expansion than previously allowed, but height restrictions will still govern these projects.

- 2) Height Restrictions.** This proposal establishes clear height restrictions for expansions, reconstructions, and relocations of nonconforming structures within the

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Saco River Corridor, based on setback measurements from the mean or normal high water lines. Currently, expansions are limited to a 30% increase in height and can be perceived as inconsistent and limiting for the applicant. The new proposed standards are consistent with DEP's Shoreland Zoning restrictions, resulting in more consistency and easier understanding for the applicant while still accomplishing the Commission's goal.

- 3) Revegetation requirements.** This proposal enhances and clarifies the Commission's standards to ensure that an adequate vegetation plan is supplied for any expansions, reconstructions, or relocations of structures within the Corridor. The current standards focus on trees, while this proposal addresses all vegetation. These standards will provide more clarity for the applicant and a more effective policy for the Commission.
- 4) Lot Coverage.** This proposal increases the maximum percentage of non-vegetated surfaces on lots within the Shoreland Zone from 15% to 20%. Additionally, this proposal clarifies what is considered non-vegetated and provides consistency with DEP's Shoreland Zoning regulations. Since this proposal includes a broader definition of non-vegetated surfaces, the increase from 15% to 20% will not be a significant change.
- 5) Minor grammatical changes.** This proposal includes a few minor grammatical and verbiage changes that enhance the readability and clarity of the document without affecting the document's intent.
- 6) Public Comment.** The Commission received three public comments, including two highly favorable comments, a Resolution from Biddeford approving the changes and an equally favorable concurrence from Robinson Public Relations and Outreach, and a more complicated comment from Maine's Department of Environmental Protection.

Biddeford commented that the rule changes were appropriate regarding the City's development and expansion plans. It enclosed a resolution memorializing its official approval of the rules changes as proposed.

Robinson Public Relations and Outreach commented that it, too, approved the changes as written.

Maine's Department of Environmental Protection submitted several comments, including one that incorporated their new standard approved under PL2021 C504 (on August 8, 2022 to allow exceptions from height limitations under Shoreland Zoning), and their view that the Commission's proposed changes differed from those required by the Maine DEP Chapter 1000 model zoning ordinance. While the Commission accommodated the Maine DEP standards in regard to the first comment, it believes more stringent requirements within the Saco River Corridor are necessary to preserve the unique and exceptional natural resources within the corridor.

**Fiscal impact of rule:**

None.