

Annual List of Rulemaking Activity
Rules Adopted January 1, 2019 to December 31, 2019
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Saco River Corridor Commission
Umbrella-Unit: 94-412
Statutory authority: 38 MRS §954-C
Chapter number/title: Ch. 102, Standard Conditions of Approval
Filing number: 2019-106
Effective date: 7/1/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

(See Basis Statement)

Basis statement:

This amendment involves changes to allow for a path or walkway (not to exceed 10 feet in width), pursuant to an application and issuance of a permit, along the river without the need for a variance. This standard will only apply in areas designated as a General Development District prior to September 1, 1983. The changes also include the requirement that applicants record any permit received from the Saco River Corridor Commission with the Registry of Deeds and that all permits must be conveyed with the property in the event of transfer. This will provide protection for future property owners by ensuring they are aware their property is in the Saco River Corridor Commission's jurisdiction and will also provide the record of all permits for development granted on the property.

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: 2019-107
Effective date: 7/1/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To bring certain provisions of the *Saco River Corridor Act*, related to expansions of existing nonconforming structures, into closer alignment with certain provisions of the *DEP Mandatory Shoreland Zoning Act*.

Basis statement:

This amendment will allow for the reconstruction or replacement of existing nonconforming structures by permit if the reconstruction or replacement meets certain criteria. Currently, Ch. 107 restricts all development within the shoreland zone (250 feet from the normal or mean high water line of the rivers) to one 30% expansion during the lifetime of the structure. However, this 30% expansion is only permitted to connect directly to the existing primary structure. This means that if someone wants to demolish their structure and erect a new one, they are currently unable to do so without a hardship variance as we have no standard in place to allow for the reconstruction of an existing nonconforming structure. The Maine DEP Ch. 1000 *Mandatory Shoreland Zoning Act* allows for the reconstruction or replacement of nonconforming structures, conforming to the greatest extent practical as determined by the board or its designee, without a variance within 100 feet of the water under various circumstances. These changes will provide standards to allow for the reconstruction of existing nonconforming structures in certain circumstances, without a variance, such as the Maine DEP Ch. 1000 ordinance allows.

Shoreland zoning does not restrict the expansion of existing nonconforming structures when 100 feet back from the water, unless they are within a Resource Protection District. Sections 4.A. and 4.B. will allow the commission to continue to restrict expansions to 30% (now, per floor area and height) within 250 feet from the normal or mean high water line, again with the added ability to demolish the structure and erect a new one with the issuance of a permit, as long as the new structure will not increase nonconformity and is set back to the greatest practical extent to meet necessary frontage and setback requirements. Existing nonconforming structures within areas of the corridor designated as a General Development District prior to September 1, 1983, may be reconstructed in their existing locations. This is to allow for improved consistency with respect to the 25-foot setback allowable in GD1 and CFMA districts per the *DEP Mandatory Shoreland Zoning Act* requirements. When at odds, the more restrictive ordinance (SRCA, municipal shoreland zoning, etc.) shall always apply.

Within the 100–250 foot buffer, the 30% expansion criteria will no longer apply in areas of the corridor designated as a General Development District prior to September 1, 1983. Revegetation requirements for the removal, reconstruction, or replacement of such structures are also included and consistent with the Ch. 1000 *Shoreland Zoning Ordinance*.

Other updates include prohibiting a change from one existing nonconforming use to another nonconforming use unless it is determined that the new use will not result in an increased adverse impact on the lands and waterways of the corridor.

Fiscal impact of rule:

None.