

# Fact Sheet for Minor Expansions in Coastal Sand Dunes (August 2022)

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Maine's coastal sand dunes and beaches provide natural protection against storm surge and high waves, reducing coastal flooding and structural damage. They also provide important wildlife habitat. Sand, cobble, grass, shrubs, and trees are all part of a system that provides a protective shield from negative tidal effects, especially with the influence of sea level rise.

Under the Natural Resources Protection Act (NRPA), a permit from the Department is required for most

activities in a coastal sand dune system, including for home development or redevelopment, modification of structures, patios, certain types of fences, and the establishment of developed areas such as lawns.

Recently, Maine law was updated to add minor expansions of structures to the types of activities requiring a permit from the Department.

## The New Law

Effective October 18, 2021, the Legislature repealed the permit exemption for minor expansions in the coastal sand dune system, 38 M.R.S. § 480-Q(31). In place of the exemption, the new law, 38 M.R.S. § 480-E(14), establishes that a property owner may obtain authorization for a one-time minor expansion of a residential or commercial structure in a coastal sand dune system by obtaining a permit-by-rule (PBR) from the Department.

## What standards are contained in the new law?

To qualify for a PBR:

- The footprint of the expansion must be contained within an impervious area that existed on Jan. 1, 2021;
- The footprint of the expansion must be no further seaward than the existing structure;
- The height of the expansion must be within the height restriction of any applicable law or ordinance; and
- The expansion must conform to the standards for expansion of a structure contained in the municipal shoreland zoning ordinance.

## What qualifies as a minor expansion?

The Department considers a minor expansion to be an increase in the footprint of the existing structure of 25 percent or less, up to a maximum expansion of 500 sq. ft., provided the expansion does not result in a building covering a ground area of more than 2,500 sq. ft.



## How do I obtain a PBR for a minor expansion?

Submit a [Minor Expansion PBR Notice of Intent Form](#) along with the following attachments:

- A site plan including the dimensions (height and footprint) and square footage of existing and proposed structures and development (e.g., houses, sheds, garages, decks, patios, driveways, parking areas); the location of property lines; and the approximate location of buildings on the adjacent properties. (Note: Decks and patios do not count as impervious area when evaluating where the expansion may be located. 38 M.R.S. § 480-B(5-B).)
- Photographs of the area where the expansion is proposed.
- Aerial imagery of development on the property on or prior to January 1, 2021, if available. (Aerial imagery is often available free online.)
- A copy of the most recent [Coastal Sand Dune Geology Map](#), produced by the Maine Geological Survey with the project site clearly identified.
  - [More information on NRPA](#)
  - [How to file a PBR](#)

## Does the new law affect a municipality's authority to regulate activities in the coastal sand dune system?

No, the law does not affect a town's authority to adopt ordinances regulating activities in coastal sand dunes. A municipal building permit is likely required.