

## EXECUTIVE SUMMARY

The Mandatory Shoreland Zoning Act, Title 38 MRSA sections 435-449, requires Maine's organized municipalities to enact ordinances regulating land-use activities in shoreland areas. The Department establishes, through its *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances* (Guidelines), minimum standards for the municipally adopted ordinances. It also provides general oversight of municipal administration and enforcement of shoreland zoning ordinances.

In March of 2006 the Department amended its Guidelines for shoreland ordinances. Significant changes include: updates to wetlands ratings, increased setbacks adjacent to unstable coastal bluffs, inclusion of the new state-wide timber harvesting standards, and modifications to the vegetative buffer requirements. Municipal ordinances must now be updated to be consistent with the amended Guidelines by July 1, 2009.

The Department's Shoreland Zoning Unit continues to focus its efforts on education and assistance. The Unit continues to serve as the faculty for the State Planning Office's code enforcement officer training and certification program, and conducts many other workshops for town officials. Training of persons in the real estate profession has also been a high priority for the Department, as realtors are often the first contact that prospective buyers have when purchasing shoreland property. Staff spends much time assisting local officials with permitting and enforcement issues. Site visits occur frequently in order to assist local officials. Many requests for assistance are also addressed through written and oral communications.

The Department has authored an additional educational pamphlet providing guidance on replanting requirements when trees are cut in violation of the shoreland buffer standards. Additionally, the *Handbook for Shoreland Owners* is being updated and will be available by mid-May.

Department staff reviewed and acted on 150 shoreland zoning ordinances and amendments during the last two years.

The Department has issued a Request for Proposals to evaluate the effectiveness of the shoreland zoning program. That study will evaluate the overlapping aspects of the Mandatory Shoreland Zoning Act and the Natural Resources Protection Act, including recommendations for eliminating statutory and regulatory conflicts. The study report is expected before year's end.

Code enforcement officers are required to submit permit and enforcement data to the Department on a biennial basis. The municipal reporting rate remains quite low (between 50 and 60 percent). The average number of new principal and accessory structures per town has not changes significantly between 2002 and 2005. The number of variances granted in the shoreland zone remains a concern of the Department, as approximately half of the applications are granted by boards of appeals.

The vast majority of violations are resolved informally between the landowner and the municipalities. Only about three (3) percent of all violations proceed to court actions, and approximate ten (10) percent are resolved through administrative consent agreements.

The Department is recommending one legislative change to the Mandatory Shoreland Zoning Act. Currently, there is no authority for the Department of Environmental Protection to recover costs associated with the adoption or amendment of a State-imposed Shoreland Zoning Ordinance. The Department believes it is unfair to the 400 municipalities that adopt an ordinance as required and that pay the costs associated with the adoption and subsequent amendments, to allow the 50 or so municipalities that do not adopt a suitable ordinance to avoid those costs.