

BUILDING PERMIT AMENDMENT APPLICATION

SHORT FORM for Residential Development

WHO MAY USE THIS BUILDING PERMIT AMENDMENT APPLICATION?

You may complete this Building Permit Amendment application form for residential development **ONLY if a Building Permit has already been issued for your property** by the Maine Land Use Planning Commission (“LUPC” or “Commission”). In addition, your proposal must also meet ALL of the following requirements:


- **LUPC zoning:** Your proposed development will be located in the following subdistricts (locate your property on a Land Use Guidance Map to determine the zoning): D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, M-GN, P-AR, P-GP, P-GP2, P-RT, or P-SL.
- **Vegetative Clearing and Filling and Grading:** Your proposal will meet the Commission’s Standards for Vegetative Clearing and Filling and Grading (see attached)
- **Wetland alteration:** Your proposal will not alter any land that is a mapped P-WL subdistrict or any ground below the normal high water mark of a lake, pond, river, stream, or intertidal area.
- **Alteration of more than an acre:** Your proposal will not alter more than an acre of land area.
- **Flood zoning:** You are not proposing development within a mapped P-FP subdistrict, FEMA floodplain or other area prone to flooding.
- **Variance or Special Exception Permit Requests:** Your proposal will not include a request for a variance or special exception to the Commission’s rules.
- **Land Division:** Your lot has not been divided since the previous Building Permit was issued.

 **Alteration means** removing or displacing soil, sand, vegetation or other materials; dredging; bulldozing; draining or dewatering; filling; or any other construction, repair or alteration of any permanent structure.

If you do not meet the above requirements, you may submit the LUPC’s standard Building Permit application form instead. Contact the LUPC office serving your area (see below) to obtain a copy of this form or for help determining which form is required.

WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LUPC office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to web site at www.maine.gov/dacf/lupc/ to browse through our rules and regulations, other applications, recent publications and newsletters, Commission meeting agendas, and other valuable information.

 **Your application may be returned if it is incomplete! Contact the LUPC office that serves your area if you need any help with this form.**

MAILING YOUR APPLICATION

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits – see instructions of page ii) to the LUPC office that serves your area. (see the LUPC website at www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf)

**THIS FORM IS NOT A VALID PERMIT UNTIL IT IS SIGNED BY AN AUTHORIZED LUPC REPRESENTATIVE.
NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT SIGNED BY THE LUPC.
THE COMMISSION MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.**

ADDITIONAL INFORMATION ABOUT THE APPLICATION PROCESS

PRE-APPLICATION AND POST-PERMIT SERVICES

The LUPC staff encourages, and is available for, meetings and site visits before you submit your application, after you receive your permit, and/or after your project is complete. Our staff can assist you with understanding the applicable requirements of submitting a proposal for the Commission's review and determining how your project best fits your site and therefore help ensure your project can be permitted.

Pre-application meetings:

- Encourage information exchange about the proposed project early in the planning stages;
- Help the applicant understand the application process and responsibilities in that process;
- Help to identify any environmental or other issues that may need to be addressed as part of the permit process; and
- Provide an opportunity to identify aspects of the proposal that may make the application unique or difficult to approve.

Suggested materials to bring to the pre-application meeting:

- This application form (even if not yet completed)
- Recent photos of the property
- Plan(s) with dimensions and setbacks of existing and proposed structures

Suggested discussion points during the pre-application meeting:

- Can you use the Building Permit Amendment Short Form?
- Does the proposed site meet necessary setbacks?
- Are there other questions you may have regarding this application form or process?

Pre- and post-construction site visits:

- Help highlight specific permit conditions;
- Enable the applicant and the LUPC staff discussion of any issues or new concerns which have arisen; and
- Assist the applicant in identifying the various physical features on the lot that are related to the Commission's development standards.

Note: While the pre-application meeting is extremely valuable for identifying issues or concerns early on, no decisions are made at these meetings and the thoughts expressed are not binding on the Commission or the applicant. The information presented at these meetings is very general, and the review is not substantive.

Call the LUPC office that serves your area to schedule an appointment.

HOW LONG WILL IT TAKE TO OBTAIN A PERMIT?

A permit decision will be issued within 10 working days of a complete application being received and accepted by the LUPC staff. In many cases a permit decision will be made sooner, in some cases on the same day if the application is submitted at one of the LUPC offices. The 10 working day time period will not start until a complete application with all required exhibits is submitted. The LUPC staff will contact you if the application is not complete and let you know what is still required to make it complete.

WHAT IF MY PROPOSAL DOES NOT MEET THE CRITERIA FOR APPROVAL?

The LUPC staff will contact you prior to the 10 day deadline if it is determined that the proposal is not approvable. Our staff will then work with you to determine your options and to recommend modifications to your application in order to make your project approvable. If you choose to make modifications to obtain approval, your application will be placed on-hold until an updated and complete application is submitted. If you choose to have your application denied by the staff, you will have an opportunity to appeal that decision to the Commission at one of its regular monthly meetings; or to Superior Court, if the decision is made by the Commission.

ACCESSING THE PROJECT SITE FOR SITE EVALUATION AND INSPECTION

Under 12 M.R.S.A, Section 685-C,8: "For the purposes of inspection and to ensure compliance with standards, orders and permits issued or adopted by the commission, authorized commission staff...may conduct investigations, examinations, tests, and site evaluations necessary to verify information presented to it and may obtain access to any lands and structures regulated pursuant to this chapter".

For some development projects, an application cannot be deemed complete until a site visit has been conducted by staff to verify information about a project. Further, in some cases staff will need the applicant or their designated agent to be present on site to provide information. As a general policy, when reasonably practicable, staff will notify property owners or their agent prior to visiting the property. Section 7 of the application, however, provides an opportunity to authorize staff, at the time you file your application, to fully access a project site. Due to our limited resources, this may increase the efficiency of the review of your application.

For office use:

	BP		\$	
Tracking No.		Permit No.		Fee Received

Building Permit Amendment

1. APPLICANT INFORMATION

SHORT FORM for Residential Development

Applicant Name(s)	Daytime Phone	FAX (if applicable)
Mailing Address		Email (if applicable)
Town	State	Zip Code

2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation	County
Tax Information (check Tax Bill) Map: _____ Plan: _____ Lot _____	All Zoning at Development Site (check the LUPC map)
Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot: Road #1: _____ Frontage _____ ft. Road #2: _____ Frontage _____ ft.	Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot: Waterbody #1: _____ Frontage _____ Waterbody #2: _____ Frontage _____

3. EXISTING STRUCTURES (Fill in a line for each existing structure)

Previously issued Building Permit BP _____

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Year built	Exterior dimensions (in feet) (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Horizontal Distance (in feet) of structure from nearest:						
				Road	Property line	Lake or pond	River or stream	Wetland	waters	Ocean/Tidal

4. PROPOSED ACTIVITIES (Fill in a line for each new or modified structure)

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Proposal (check all that apply)								Exterior Dimensions (in feet) (LxWxH)	Horizontal Distance (in feet) of structure from nearest:						
	New structure*	Reconstruct*	Expand	Relocate*	Remove	Enclose deck/porch	Permanent foundation*	septic		Change dimensions or setbacks	Road	Property line	Lake or pond	River or stream	Wetland	waters
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
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*** Reconstructions, Relocations, Permanent Foundations and New Accessory Structures:**

- a. If the structure or foundation will not meet the LUPC's minimum setback distances from property lines, roads, water bodies or wetlands, explain what physical limitations (lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting setbacks:

- b. For reconstructions, has the existing structure been damaged, destroyed or removed from your property?.....YES NO
 If YES, was the structure in regular active use within a 2-year period preceding the damage, destruction or removal?YES NO
 If YES, provide the date the structure was damaged, destroyed or removed: _____

5. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE (If applicable, fill in this table)

	Proposed New Area (in sq. ft.) of cleared/filled/disturbed soil:	Distance (in feet) between edge of cleared/filled area and the nearest:				
		Road	Property line	Lake or pond	River or stream	Wetland
Cleared area						
Filled/disturbed area						

6. PROSPECTIVELY ZONED AREAS (RANGELEY AREA ONLY)

Buffering in Prospectively Zoned Areas. Is your property located in one of the following Prospectively Zoned Plantations or Townships?YES NO

Adamstown Twp. Dallas Plt. Lincoln Plt. Magalloway Plt.
 Rangeley Plt. Richardsontown Twp. Sandy River Plt. Townships C, D, and E.

If YES, please complete the following table regarding the width of the vegetative buffers at the narrowest point between the existing and proposed structures and the nearest applicable road, property line, and subdistrict setbacks as applicable:

Standard Minimum Required:	Width of Vegetated Buffers			
	Road	Side Property Line	Rear Property Line	Subdistrict Boundary (If D-ES or D-CI)
	25 feet in D-GN, D-GN2, D-GN3 50 feet in D-RS, D-RS2, D-RS3 75 feet in D-ES and D-CI	15 feet	15 feet	50 feet Buffer to other Subdistricts
This property:	_____ feet	_____ feet	_____ feet	_____ feet

Note: You may be required to submit Exhibit E: Documentation for Exceptions to Buffering Requirements. (See instructions on page iii)

7. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (OPTIONAL)

Agent Name <i>(if applicable)</i>	Daytime Phone	FAX <i>(if applicable)</i>
Mailing Address		Email <i>(if applicable)</i>
Town	State	Zip Code

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC) administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, The Commission's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC nor do the LUPC staff inspect buildings or enforce any provisions of that Code.

Please check **one** of the boxes below: (see "Accessing the Project Site for Site Evaluation and Inspection")

- I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.
- I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

All appropriate persons listed on the deed, lease or sales contract must sign below.

Signature(s) _____ Date _____
 _____ Date _____

For office use:

BP

Tracking No.

Permit No.

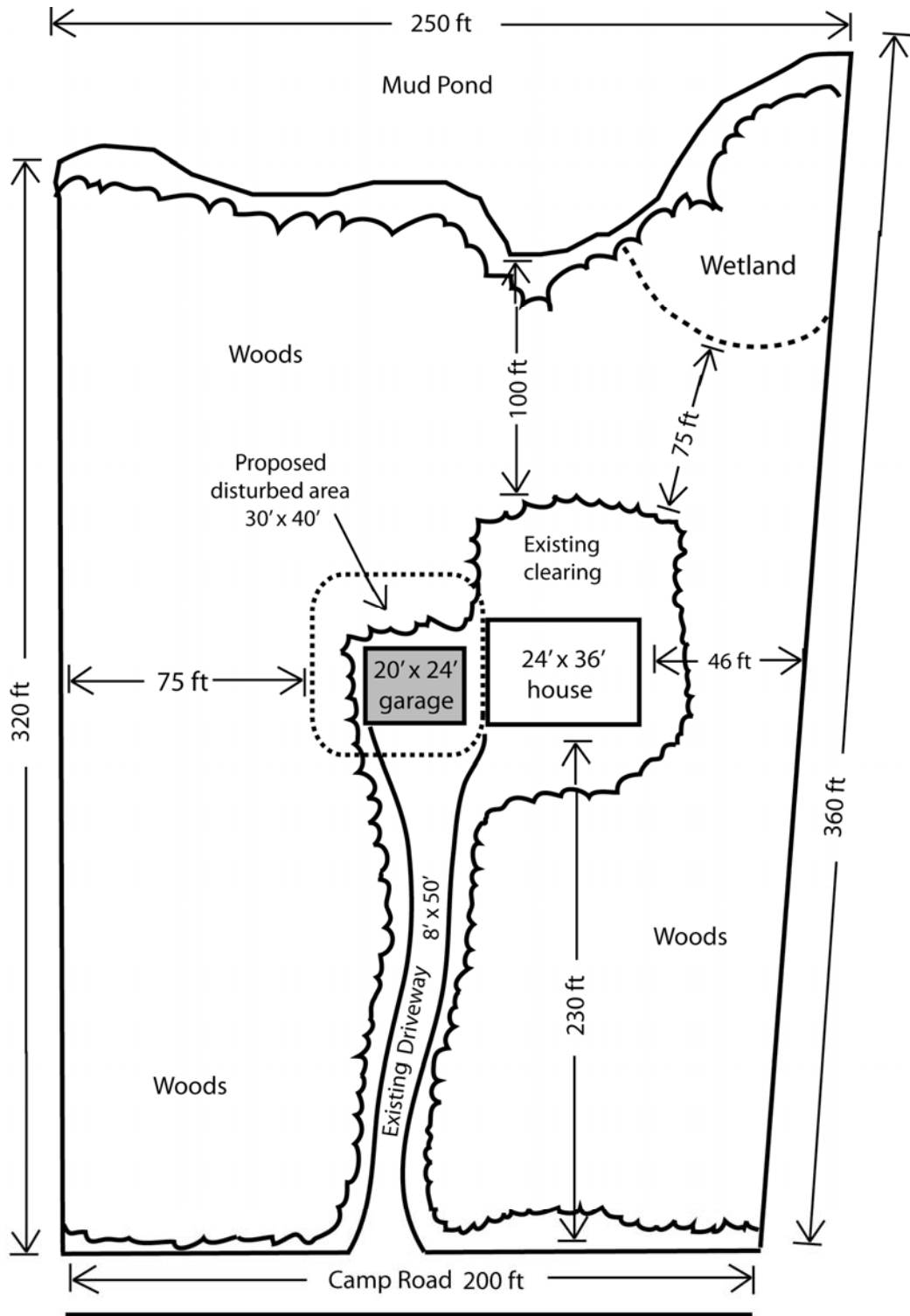
EXHIBIT C: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit C** in the instructions on page ii. Do not use colors. Refer to the instructions on page ii for a sample site plan.

A large grid for drawing a site plan. The grid is composed of 20 columns and 20 rows of squares, providing a space for the applicant to draw a bird's-eye view of their property and include all elements described in Exhibit C.

Notes/Legend:

SAMPLE SITE PLAN



- Existing Structures
- Proposed Structures
- Proposed Cleared Area

Total proposed disturbed area:
 30' x 40' clearing and filling/grading,
 including 20' x 24' garage

1. APPLICANT INFORMATION

Print the legal names and mailing addresses of all persons or companies with right, title or interest in the property associated with this application. Persons with "right, title or interest" are those listed on any deed, lease or sales contract for the property.

2. PROJECT LOCATION AND PROPERTY DETAILS

Tax Plan and Lot Numbers: The tax plan and lot numbers are listed on your property tax bill and usually the previous issued Building Permit.

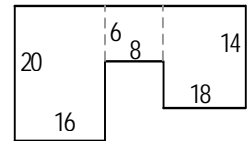
Zoning: Identify the subdistricts where the development will be located. The Subdistrict(s) for your property can also be found at the LUPC website by viewing the LUPC Zoning Maps www.maine.gov/dacf/lupc/plans_maps_data/zoning_maps/index.shtml, the LUPC Zoning & Parcel Viewer http://mapserver.maine.gov/conservation/lupc_master.php, and usually on the previous issued Building Permit.

3. EXISTING STRUCTURES

Existing Building Permit Number: Complete if you know the number of the building permit issued for your property. There must already be a Building Permit issued in order to use this form.

Types of structures include a house, camp, garage, bunkhouse, porch, shed, walkway, driveway, parking area, etc. For each structure that exists on your property, fill out the appropriate information in the table.

Exterior Dimensions. Calculate the dimensions (length, width and height) of each structure along its exterior surfaces. Measure the height of the structure from the peak of the roof (excluding chimneys or antennae) to the mean original grade of the structure along the downhill side. If the structure is irregularly shaped, write in its detailed dimensions. For example, a structure that is 24 feet high and is shaped like this ...
 ... would have these dimensions: 16x20x24; 6x8x24; 14x18x24.



Type of Foundation. Describe the type of foundation that supports the structure. Types of foundations include full foundations, basements, frost walls, slabs, posts, sono tubes, etc.

Setback Distances. All setback distances should be measured horizontally. Road setbacks should be measured as the distance from the edge of the pavement or traveled way to the nearest portion of the structure. Property line setbacks should be measured as the distance from the property boundary line to the nearest portion of the structure. Setbacks from lakes, ponds, rivers, streams and wetlands should be measured as the distance from the normal high water mark to the nearest portion of the structure.

The normal high water mark is the line on the shores and banks of non-tidal waters which is identifiable by the different character of the soil or vegetation due to the influence of surface water. This mark is not necessarily the water line! Call LUPC if you need help identifying this mark.

4. PROPOSED ACTIVITIES

Check the appropriate box or boxes to describe your proposal. For each structure that you are proposing to build or alter, fill out the appropriate information in the table. Instructions for calculating exterior dimensions and setback distances are listed in Question 3 above.

New structure: Check this box if you plan to build a new principal structure or a new accessory structure. Answer the questions below the table if proposing a new accessory structure.

Reconstruct: Check this box if you plan to reconstruct an existing structure or if you plan to reconstruct a deck attached to an existing structure, and answer the questions below the table. Reconstruction is the rebuilding of a structure after more than 50% of its structural components (including walls, roof or foundation) has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place while rebuilding the remainder of the structure is considered a reconstruction.

Expand: Check this box if you plan to enlarge or add on to an existing structure or if you plan to increase a structure's height.

Relocate: Check this box if you plan to move an existing structure to another place on your lot and answer the questions below the table.

Enclose deck or porch: Check this box if you plan to enclose an existing deck or porch.

Permanent foundation: Check this box if you plan to add a permanent foundation or replace 50% or more of an existing permanent foundation beneath a structure. Permanent foundations are any supporting substructures that extend below the frost line or permanently withstand freeze-thaw conditions (such as full foundations, basements, slabs, frost walls). Sono tubes or posts installed with augers are not considered permanent foundations.

Change setbacks or dimensions: Check this box if you wish to change setbacks or dimensions of a structure that was previously approved.

5. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE

If you will be clearing any vegetation, filling or grading, or disturbing soil as part of your proposal, identify the total size of the proposed cleared or filled/graded or disturbed area and the distances between the edge of the area and the nearest road, property line, lake or pond, river or stream, wetland and ocean. In order to use this short form, your proposal must comply with the **Sections 10.27,B, 10.27,F, and Appendix B of Chapter 10, Land Use Districts and Standards.** These standards are attached for your review. If you will exceed these standards, you must use the LUPC's Building Permit Application Form instead.

6. PROSPECTIVELY ZONED AREAS (RANGELEY AREA ONLY)

If you are within a prospectively zoned area, you must complete this section verifying that you will be in compliance with the standards for vegetative buffers in these areas. Standards for these areas differ from the jurisdiction-wide standards in a number of ways. For instance, vegetated buffers are required along all roads, not just public roads. Contact the LUPC office serving your area for more details or see Section 10.25,B of the Commission's Chapter 10 Land Use Districts and Standards.

If the vegetative buffers or any other feature of your property will NOT screen the proposed development from view from the road and adjacent properties, you must submit EXHIBIT E: Documentation for Exceptions to Buffering Requirements with your application


REQUIRED FEES AND EXHIBITS

All Building Permit Amendment applications must include:

- Application Fee Exhibit C: Site Plan

Some applications will also need to include:

- Exhibit A: Deed, Lease Sales Contract Exhibit B: Photographs
 Exhibit D: Sewage Disposal Exhibit E: Documentation for exceptions to buffering requirements

 *If you are unsure about what to submit with your application, contact the LUPC office that serves your area. Your application may be returned if it is incomplete.*

APPLICATION FEE (nonrefundable). Submit a check or money order payable to "Treasurer, State of Maine" for the appropriate fee:

Base Fee of \$50 plus \$0.20 per square foot (footprint) of structures, \$1,000 maximum fee; Fees for After-the-Fact permits are triple the standard fee.

EXHIBIT A: DEED, LEASE OR SALES CONTRACT. Unless already on file, submit complete, signed copies of all deeds or leases, including any covenants/restrictions or easements, that demonstrate the applicant's title, right or interest in all of the land addressed in this application. Or submit a current binding option to purchase all necessary interest in the land, or a similar contractual agreement that establishes terms for future title and provides a description of the property. If you are submitting a contractual agreement, you must also submit complete, signed copies of all deeds or leases that demonstrate the current land owner's title, right or interest in all of the land addressed in this application.


 *If you are leasing your property, read your lease carefully and contact the lessor before submitting this application to the LUPC. You may need to get written permission from the lessor for your proposal prior to applying.*

EXHIBIT B: SITE PHOTOGRAPHS. Attach a series of photographs taken within the past two years that show the features and structures on your property as they currently exist. **Mount the photos on 8½ x 11inch paper** and include an explanatory caption and date for each photo. Please note, your photos cannot be returned.

EXHIBIT C: SITE PLAN. Prepare a bird's-eye view site plan that shows your entire property. Draw the plan on an 8½ x 11 inch sheet of paper or on the attached grid paper. Do not use colors as they do not photocopy. Refer to the site plan on the next page as an example. Include the following features:

- Property boundary lines and dimensions (including road and water frontage).
- Wooded areas, open fields, rivers, streams, lakes, ponds, wetlands, and other natural features.
- Existing and proposed structures and features (including dwellings, garages, decks, walkways, driveways, parking areas, signs, etc.):
 - Identify the distances of each structure from the nearest property line, road, lake, pond, river, stream and wetland.
 - Mark all existing structures that will be expanded, reconstructed, removed, relocated or otherwise altered.
- Areas that are or will be stripped, graded, grubbed, filled, or otherwise result in exposed soil, their dimensions and distances from waterbodies, roads and property lines.
- Areas that are or will be cleared of vegetation, their dimensions and distances from waterbodies, roads and property lines.
- Proposed erosion, sedimentation and drainage control measures (hay bales, silt fencing, level spreaders, culverts, water bars, etc.).

If you are proposing many changes to your property, submit (as Exhibit C) a site plan showing the existing lot layout and your proposed changes.

EXHIBIT D: SEWAGE DISPOSAL. If any of your proposed new or altered structures have or will include additional bedrooms, bathrooms, plumbing or water fixtures beyond what was approved in your original permit, or otherwise generate additional waste water, you must contact a Licensed Site Evaluator, your Local Plumbing Inspector or the Division of Health Engineering to ensure that your development complies with the Maine Plumbing Code. You may need to hire a Licensed Site Evaluator to test the soils on your property, design a sewage disposal system, and complete an HHE-200 form ("Application for Subsurface Waste Water Disposal"). If so, you must submit a signed HHE-200 form with this application.

EXHIBIT E: DOCUMENTATION FOR EXCEPTIONS TO BUFFERING REQUIREMENTS. This applies only to townships or plantations that are subject to Prospective Zoning, on property that has less than the required buffers (see Section 6).

If the vegetative buffers or other features of your property will not screen your proposed development from the road and adjacent properties, check the appropriate reason(s) below and submit any required documentation.

- The proposed use is compatible with adjacent development and is acceptable to all abutting land owners. Submit letters of agreement from abutters.
- Extensive clearing and development existed before January 1, 2001. Submit historical photographs documenting such clearing and development.
- The establishment of buffers would eliminate or interfere with scenic views existing before January 1, 2001. Submit historical photographs documenting such scenic views.
- The adjacent area has at least 80% of the street developed with buildings (a "Main Street" setting); or side or rear property line buffers would interfere with pedestrian circulation or access. Submit photographs documenting a "Main Street" setting.

DIMENSIONAL REQUIREMENTS

for conforming residential structures and uses

The Commission's rules establish dimensional requirements for all lots on which structural development is proposed. The following chart summarizes these requirements. For complete details about the Commission's dimensional requirements, refer to Section 10.26 of the Commission's *Land Use Districts and Standards*.

MINIMUM LOT SIZE *(Note: There is no lot size requirement for private campsites)*

For single-family residential structures served by an on-site subsurface waste water disposal system.....	40,000 square feet per dwelling unit
For single-family residential structures served by a common or community sewer.....	20,000 square feet per dwelling unit

MINIMUM FRONTAGE *(Note: There is no lot size requirement for private campsites)*

Waters

Bodies of standing water 10 acres or greater and rivers draining 50 square miles or more	200 feet per dwelling unit
Coastal wetlands, ponds less than 10 acres, rivers draining less than 50 square miles, and P-WL1 wetlands.....	150 feet per dwelling unit

Roads

For lots with frontage on any privately or publicly owned road	100 feet per dwelling unit
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(Note: The road frontage requirement does not apply to lots located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet.)

MINIMUM SETBACKS FOR RESIDENTIAL STRUCTURES, RESIDENTIAL CAMPSITES, AND HOME OCCUPATIONS

Waters

Bodies of standing water 10 acres or greater and rivers draining 50 square miles or more.....	100 feet*
Coastal wetlands, ponds less than 10 acres, rivers draining less than 50 square miles, and P-WL1 wetlands.....	75 feet

*(*Note: The minimum shoreline setback in the P-RT Subdistrict is 125 feet)*

Roads

Traveled portion of all roadways within D-RS and D-GN subdistricts.....	30 feet
Traveled portion of roads on coastal islands.....	20 feet
Traveled portion of all other roads.....	50 feet

Property Lines

Side and rear property lines	15 feet
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MINIMUM SETBACKS FOR PERSONAL CAMPSITES

Shoreline.....	75 feet*
Traveled portion of all roadways within D-RS and D-GN subdistricts.....	30 feet
Traveled portion of all other roads.....	50 feet
Property lines.....	25 feet

*(*Note: The minimum shoreline setback for Remote Campsites is 25 feet except that the setback may be increased where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.)*

MAXIMUM LOT COVERAGE

Total for all structures, including driveways, sidewalks, parking lots, and other non-vegetated surfaces	30%
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MAXIMUM BUILDING HEIGHT

Between 100 to 500 feet of a bodies of standing water 10 acres or greater	30 feet
Beyond 500 feet of a bodies of standing water 10 acres or greater	75 feet

A GUIDE TO THE LUPC RULES FOR NONCONFORMING DEVELOPMENT

Structures and lots that were created before the Commission's rules were established or amended and which do not meet current rules are governed by the Commission as nonconforming development. The most common reason that a structure is nonconforming is that it does not meet the minimum required setback from a water body. Typically, lots are nonconforming when they do not comply with the current lot size or frontage requirements. This page provides a brief guide to some of the Commission's rules for nonconforming development. For specifics about applicable rules and regulations, refer to Section 10.11 of the Commission's Chapter 10 *Land Use Districts and Standards*.

GENERAL REQUIREMENTS

It is the Commission's policy to limit expansions of nonconforming structures and to provide incentives for lot owners to bring nonconforming development into compliance with the Commission's current standards. To obtain permit approval for changes to a nonconforming structure, you need to demonstrate that the **project will not adversely affect surrounding uses and resources** and that there is **no increase in the extent of nonconformance**. An increase in the extent of nonconformance occurs when a structure with an existing nonconforming setback is altered in such a way that it is placed closer than the minimum setback distances for water bodies, roads or property boundaries, or a setback established by a legally existing nonconforming structure, or it otherwise further exceeds the standards of Chapter 10 *Land Use Districts and Standards* upon project completion.

RECONSTRUCTING A NONCONFORMING STRUCTURE OR ADDING OR RECONSTRUCTING A PERMANENT FOUNDATION

Reconstruction is the rebuilding of a structure after more than 50% of its structural components (including walls, roof or foundation) has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place while rebuilding the remainder of the structure is considered a reconstruction.

Adding a permanent foundation beneath a structure or **replacing 50% of an existing foundation** also requires a permit. Permanent foundations are any supporting substructures that extend below the frost line or permanently withstand freeze-thaw conditions. Examples are full foundations, basements, slabs and frost walls. "Sono tubes" or posts installed with augers are not permanent foundations.

If a nonconforming structure has been damaged, destroyed or removed, such a structure may be reconstructed or replaced if an application is filed with the LUPC within 2 years of the date of damage, destruction or removal **and** if the structure was in active use within the past two years preceding the damage, destruction or removal.

NOTE: If the structure has been damaged, destroyed or removed from the property for more than 2 years or was not in regular active use within a 2-year period preceding the damage, destruction or removal, then the new structure cannot be reviewed as a "reconstruction" and will need to meet the Commission's current dimensional requirement or another provision(s) of the Rules for Nonconforming Development.

EXPANDING A NONCONFORMING STRUCTURE

Expansion is the increase in the footprint or the increase in height of a structure. Footprint is measured by the exterior perimeter of a structure. Footprint measurements include decks, porches, balconies, and any other structural attachments. Structures or portions of structures may be expanded if certain **size limits** are met:

- Expansions within 25 feet of a water body are prohibited.
- If the portion of the structure to be expanded is located between 25 and 50 feet of a water body, the total footprints of the structure **and** all other structures within 100 feet of the water body cannot exceed **750** square feet.
- If the portion of the structure to be expanded is between 50 and 75 feet of a water body, the total footprints of the structure **and** all other structures within 100 feet of the water body cannot exceed **1,000** square feet.
- If the portion of the structure to be expanded is between 75 and 100 feet of a water body, the total footprints of the structure **and** all other structures within 100 feet of the water body cannot exceed **1,500** square feet.*

* The 1,500 sq. ft. limit does not apply to lots with frontage on flowing waters draining less than 50 square miles, water bodies less than 10 acres, or coastal wetlands.

RELOCATING A NONCONFORMING STRUCTURE

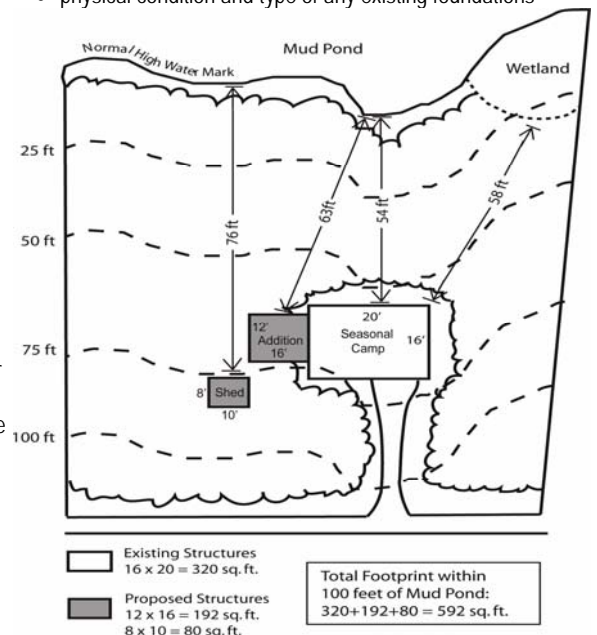
A nonconforming structure may be relocated within the boundaries of the lot provided the site of relocation conforms to the setback requirements to the **maximum extent possible** (see Reconstructing a Nonconforming Structure, above).

CONSTRUCTING A NONCONFORMING ACCESSORY STRUCTURE

New, detached accessory structures (such as sheds or garages) that do not meet minimum setback requirements are only permitted if the **structure cannot be physically sited on the lot to meet the LUPC's minimum setback requirements**. In such cases, the structure cannot be located closer to the water body than the principal structure, cannot be located within 25 feet of the water body, **and** must be of a size and height that does not exceed the size limitations for expansions (described above).

Reconstructed structures must be sited so that they meet the Commission's minimum setback requirements from water bodies (usually 100 feet), roads (usually 50 feet) and property lines (usually 15 feet) to the **maximum extent possible**. When evaluating your proposal, the Commission looks at many factors when deciding whether there are any physical limitations that prevent a structure from meeting current minimum setback requirements. These factors include:

- size and configuration of your lot
- slope of the land
- potential for soil erosion and export to a water body
- location of other legally existing structures on the property
- location of the septic system and suitable on-site soils
- type and amount of vegetation to be removed
- physical condition and type of any existing foundations



VEGETATION CLEARING STANDARDS (Section 10.27,B)

GENERAL REQUIREMENTS

Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations. In all areas where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, coastal wetland, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

VEGETATIVE BUFFER STRIPS

- 50 feet of the right-of-way or similar boundary of any public roadway,
- 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any coastal wetland or flowing water draining less than 50 square miles,
- 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.

REQUIREMENTS WITHIN BUFFER STRIPS

- There shall be **no cleared opening greater than 250 square feet** in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and has at least one bend in its path to divert channelized runoff.
- Selective cutting of trees within the buffer strip is permitted provided that a **well-distributed stand of trees and other natural vegetation** is maintained.

For the purposes of this section a “**well-distributed stand of trees**” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system. Near other water bodies, tributary streams and public roadways a “**well-distributed stand of trees**” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1,250 square feet) rectangular area as determined by the following rating system (see table)

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

“**Other natural vegetation**” is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer
- (2) Each successive plot shall be adjacent to but not overlap a previous plot
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter

- In addition, **no more than 40% of the total basal area of trees 4.0 inches or more in diameter**, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
- **Pruning of live tree branches is prohibited**, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
- In order to maintain a buffer strip of vegetation, when the removal of **storm-damaged, diseased, unsafe, or dead trees** results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.

REQUIREMENTS GREATER THAN ONE HUNDRED (100) FEET FROM GREAT PONDS (>10 acres)

The following provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone.

- **No more than 40% of the total basal area of trees 4.0 inches or more in diameter**, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
- In no instance shall cleared openings exceed, in the aggregate, **10,000 square feet**, including land previously cleared.

FILLING AND GRADING STANDARDS (Section 10.27,F)

GENERAL REQUIREMENTS

- Imported fill material shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials.
- All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

REQUIREMENTS NEAR WATER BODIES AND WETLANDS

- Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be **5,000 square feet**. This shall include all areas of mineral soil disturbed by the filling or grading activity. These filled or graded areas shall be stabilized according to the **Guidelines for Vegetative Stabilization** (see next page).
- Such filled or graded areas shall not extend closer to the normal high water mark of a flowing water, a body of standing water, coastal wetland, or upland edge of wetlands identified as P-WL1 subdistrict than the following:
 - For a minor flowing water, body of standing water less than 10 acres in size, coastal wetland, or freshwater wetland: 75 feet; and
 - For a major flowing water and body of standing water 10 acres or greater in size: 100 feet.

OTHER REQUIREMENTS

Beyond 250 feet from water bodies and wetlands, the maximum size of filled or graded areas shall be **20,000 square feet**, except that there shall be no limit to the size of filled or graded areas in M-GN subdistricts which are greater than 250 feet from water bodies and wetlands.

GUIDELINES FOR VEGETATIVE STABILIZATION (APPENDIX B)

The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and the avoidance of sedimentation or pollution of water bodies. All stabilization measures must be maintained so that grass or other vegetation remains intact and healthy, otherwise these measures will be ineffective.

GENERAL GUIDELINES

- Sterile soils such as sands and gravels should be covered with 2 to 4 inches of soil medium that will support vegetative growth.
- Disturbed soil areas should be graded such that runoff water is either minimized or eliminated from running over the site.
- Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period.
- Disturbed areas which cannot be seeded between May 1 and September 15 should be mulched with hay, straw or some other suitable material to keep them as stable as possible over the winter, and particularly during spring runoff the following year. For over-wintering, mulch must be tacked down, as it is easily blown around on frozen ground, leaving areas of soil exposed. Mulch hay should be applied at a depth of 4 inches, or between 150 to 200 lbs. per 1,000 square feet, over the disturbed site. Mulched over-wintered areas should be prepared and seeded the following spring as soon as conditions allow.

It is not recommended that disturbed areas be seeded after September 15th ("dormant seeding") for a number of reasons. Among the reasons, seeding rates are doubled, which is more expensive; timing is critical to ensure that germination does not occur before the following spring; there is an increased risk of sedimentation because sites are generally wetter in the fall; the thicker mulch must be removed in the spring in order to allow the germinating seed to survive; and the application of fertilizer during this time increases the risk of leaching or runoff loss of nutrients into water bodies.

SEED AND FERTILIZER INFORMATION

- Seeding preparation, in addition to providing a soil medium that will support vegetative growth if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked prior to seeding. After the area is seeded, it should be lightly watered and then mulched with 70 to 90 lbs. (2 standard bales) per 1,000 square feet of weed free hay or straw to protect the seed. Keep the site stable and moist, and allow the seed to germinate and grow.
- For accurate liming as well as fertilization, it is recommended that you have the soil analyzed to determine the specific nutrient requirements of your site.
- Lime should be applied at a rate of approximately 140 pounds to 1,000 square feet of area. This rate may vary depending on the natural conditions of the soil on the site. 10-5-20 fertilizer should be applied at a rate of 18.5 lbs. per 1,000 square feet of area. Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.
- In shoreland areas in particular, fertilizers should be of the "quick release" low phosphorus type, such as 12-4-8 mixtures applied at a rate of 8 pounds per 1,000 square feet of area. If you are near water bodies, it is important not to apply more than approximately this amount of fertilizer, as excess may be washed into streams or lakes and contribute to lowering water quality and such things as algae blooms in lakes.
- Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.
- Fertilizers should never be applied right before thunder storms or before spring runoff, because the great amounts of water running over the land will wash the fertilizer, particularly phosphorus, into water bodies. However, a light watering after the fertilizer is applied will help bind the phosphorus to the soil.
- There are many combinations of grasses that can be used. One combination particularly good for providing soil stability, generally referred to as the Soil Conservation Mixture, consists of: (Proportions, by weight)

<i>Creeping Red Fescue</i>	35%	<i>Kentucky Bluegrass</i>	25%
<i>Annual Rye Grass</i>	15%	<i>Perennial Rye Grass</i>	10%
<i>*Red Top Oats</i>	10%	<i>White Dutch Clover</i>	5%

This seed would be applied at a rate of 1 pound per 1,000 square feet. These particular grasses do best if mowed no closer than 2-1/2 to 3 inches from the ground. Of course, other seed mixtures are available.

It is important, in choosing a mixture, to choose one suitable for the site being stabilized. There are many different types of seeding mixtures designed for particular site conditions such as shade, sun, and drainage. Any mix should contain some seed which germinates rapidly to provide the quickest stabilization possible while awaiting the germination of the remaining types.

*For quick germination, oats are very good. They germinate in 7 to 10 days. They should be planted at a rate of approximately 1 to 1-1/2 bushels per acre, in addition to the basic grass mixture. Oats should be mowed when they reach knee height to allow the germinating grasses to receive sunlight.

ALTERNATIVES

Other stabilization programs may be used, provided they are equivalently effective in stabilizing disturbed areas and preventing accelerated soil erosion and sedimentation of water bodies. Further assistance may be obtained, including in some cases site-specific recommendations, from:

- Local Soil and Water Conservation Districts
- The USDA Natural Resource Conservation Service
- Maine Department of Environmental Protection, Lakes Program
- Landscaping Professionals
- Reputable Lawn and Garden Supply Dealers