



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

Memorandum

To: Maine Land Use Planning Commission
From: Eric Larsson, Acting Senior Planner
Date: May 15, 2015
Re: Proposed Chapter 10 Rule Amendments Regarding Certain Nonconforming Lots

The Maine Land Use Planning Commission staff has further reviewed the proposed language and has identified a few areas in which the proposed language could be clearer. None of the suggested changes are intended to alter the operation of the proposed rule. I hereby submit the following comments on the draft rule revisions.

Comments

- Section 10.11, E, 3, b: replace “that is not more than 16 feet high to the peak” with “having a height of no more than 16 feet” to align with the Chapter 10 definition of the word “height.”
- Section 10.11 E, 3, b: reword the phrase “may not be used for a home occupation or for commercial purposes, but may only be used for non-commercial storage purposes” to improve consistency with how use listings are phrased elsewhere in Chapter 10.
- Section 10.11 E 3 b: Make clear to the reader that when a storage structure is being permitted on an otherwise non-conforming lot it cannot be combined with a campsite because according to state law, campsites cannot contain an enclosed storage structure. This could be made clearer by inserting “as defined in 12 M.R.S.A § 682 15.” after “campsite” to ensure that the reader is referred to the definition. (Note: residential campsites, which may include storage sheds, are addressed elsewhere in Chapter 10 and are not affected by this rulemaking.)
- Section 10.11 E, 3, b allows for one “permanent storage structure” but states that the structure “may not have a permanent foundation,” which may cause confusion. Chapter 10 otherwise contains no definitions of permanent or temporary, except as they relate to docks and foundations.