

Sand Dune Application

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GENERAL INFORMATION

The following is a list of helpful information that you should read before you begin to fill out this application. Reading these six (6) bullets could save you time and money!

1. **This application form is to be used when requesting a permit for activities in, on, or over a coastal sand dune where the activity includes dredging, bulldozing, removing or displacing sand, soil, vegetation or other materials; filling, including adding sand or other material to a sand dune; or any construction, repair, or alteration of a permanent structure. This application form is used when the activity is not eligible for a permit by rule.**

Before filling out the application, please carefully read the relevant law and Department rules. For copies of the Natural Resources Protection Act (NRPA) or for additional information regarding the Natural Resources Protection program, call the nearest DEP office (see list below). In addition to the NRPA and the Coastal Sand Dune Rules, you may also need the following materials to successfully complete the application:

- Maine Erosion and Sediment Control Handbook: Best Management Practices, 2003. Available from the DEP, Division of Watershed Management (207) 215-9751.
- Solid Waste Rules, Chapters 400-405. Available from the DEP, Bureau of Remediation and Waste Management (207) 287-2651.
- Rules Concerning the Processing of Applications and Other Administrative Matters, Chapter 2. Available from the DEP, Bureau of Land & Water Quality.

2. **Before drafting actual plans, you are strongly urged and, in some cases, required (see #3 below) to meet with DEP staff to discuss your activity, any questions you may have, and applicable permitting requirements. To request a pre-application meeting, you should submit a location map, a sketch plan of the site, a brief activity description, and color photographs of the activity site to the appropriate regional office. The following is a list of the regional offices:**

Central Maine DEP, Bureau of Land Resources
17 State House Station, Augusta, ME 04333
(207) 287-7688

Eastern Maine DEP, Bureau of Land Resources
106 Hogan Road, Bangor, ME 04401
(207) 941-4570

Southern Maine DEP, Bureau of Land Resources
312 Canco Road, Portland, ME 04103
(207) 822-6300

Northern Maine DEP, Bureau of Land Resources
1235 Central Drive, Skyway Park, Presque Isle, ME 04769
(207) 764-0477

3. **A pre-application meeting and a pre-submission meeting is required (see Chapter 2, Section 10(B), Rules for acceptance of a new NRPA application) for a project that involves the construction of expansions or new buildings on frontal dunes. For applications that require a pre-application meeting, the applicant is also required to hold a public informational meeting in accordance with Chapter 2, Section 13, prior to submitting the application. The requirement for a pre-application or**

pre-submission may be waived by written notice from the Department and agreement by the applicant.

4. **The DEP has up to 150 days to process most NRPA sand dune applications, so please plan accordingly.** During this time, the DEP may seek review comments from other agencies to determine if the activity will meet the standards of the law and rules.
5. **The DEP has a simplified permit process known as Permit by Rule (PBR) for certain activities in a coastal sand dune system.** You should obtain a copy of the coastal sand dune PBR standards from the DEP to determine if your activity qualifies for PBR. If your activity qualifies, you can file a one-page notification form instead of this application and work may start on the activity 14 days after the PBR notification form is received by the DEP unless the Department notifies you that the application is unacceptable. If you have questions regarding PBR, please contact the nearest regional office.
6. **The DEP does not discriminate on the basis of disability in its programs or services.** If you need assistance, contact the DEP Americans with Disabilities Act Coordinator (623-7950). **This material can be made available in alternate formats.**

GENERAL APPLICATION INSTRUCTIONS

Keep in mind that your application will be reviewed to determine if the project will meet the standards contained in Title 38 M.R.S.A., Section 480-D and the Coastal Sand Dune Rules, Chapter 355. Coastal Sand Dune systems contain both sand and gravel.

- 1. The application form must be filled out completely and submitted with the appropriate attachments.** Basic attachments are required for all sand dune projects. Additional attachments, which can be found in Appendices A or B, must be submitted for projects that either request approval under Chapter 355, Section 6(B)(5) (Appendix A) or request a Section 8 variance (Appendix B). The information that is requested in this application is necessary to evaluate the activity. Be sure to provide detailed descriptions. The block numbers in the attached instruction sheet match the block numbers on the application form. Answer every block unless otherwise directed. If additional information is required to fully answer the question, clearly label the block number on a separate sheet and organize the extra information and attachments in numerical order. If after reading these instructions you have questions, please call the nearest regional office.
- 2. Prior to submitting a Coastal Sand Dune application to the DEP,** the applicant is required to publish a public notice and notify abutters. Please refer to the sheet “Information Concerning the Filing of a Public Notice” and the “Notice of Intent to File” form included in this packet.
- 3. Please submit the original application and photos ,** along with the appropriate fee to the appropriate regional office. In addition, one copy of this application and all attachments must be filed with the municipal office and be available for public inspection in the city or town where the proposed activity is being undertaken. Be sure to retain a copy of the application for your own records.
- 4. The Department does not require that professionals prepare the application or drawings.** However, past experience indicates that professional advice and assistance may be helpful.

INSUFFICIENT OR MISSING INFORMATION IN THE APPLICATION IS FREQUENTLY A CAUSE OF DELAY. APPLICATIONS WITH MISSING INFORMATION OR ATTACHMENTS CANNOT BE PROCESSED AND WILL BE RETURNED AS INCOMPLETE.
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APPLICATION FORM INSTRUCTIONS

Block 1. Name of Applicant. Write in the name of the landowner or entity that has title, right or legal interest in the property. If the applicant is an agency, company, corporation, or other organization, please include the organization's name and the name of a staff person that can be contacted about the application. If applicant is a registered corporation, provide either a Certificate of Good Standing (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

Block 2. Applicant's Mailing Address. Write in the full mailing address of the applicant.

Block 3. Applicant's Daytime Phone Number. Write in the applicant's daytime telephone number, including the area code. This should be a number where the applicant may usually be reached during normal office hours. If the applicant is not available during normal office hours, it may be helpful to have an agent (see Block 4).

Block 4. Applicant's E-mail Address. Please list Applicant's E-mail Address, if available, in order for the license to be e- mailed to the applicant. Without an e-mail address the license will be sent via regular mail and will not be received as quickly.

Block 5. Name of Agent. The DEP does not require an agent for this application. If the applicant chooses to have an agent, please provide the name of the person chosen to represent the applicant in the application process and a letter of authorization from the applicant. The agent may be a consultant, contractor, engineer, or other person willing to provide assistance. If the DEP has any questions about the application, the agent will be contacted first. The applicant will always be sent a copy of any letters written about the activity. If an agent is not being retained, do not fill in Blocks 4, 5 and 6.

Block 6. Agent's Mailing Address. Write in the full mailing address of the agent. All original correspondence will be sent to this address.

Block 7. Agent's Daytime Phone #. Write in the agent's daytime telephone number where the agent can be reached during normal office hours. If the DEP has any questions about the application, it will use this number. Quick answers can help minimize delays in the application process.

Block 8. Agent's E-mail Address. Please list E-mail Address, if available, in order for the license to be e-mailed to the agent. Without an e-mail address the license will be sent via regular mail and will not be received as quickly.

Block 9. Location of Activity (Project). Write in the street address of the activity site or the name of the nearest road, street, or route number.

Block 10. Town. Write in the name of the town or city where the activity site is located. This may be different from the applicant's mailing address.

Block 11. County. Write in the name of the county where the activity site is located.

Block 12. Type of Sand Dune. Check the box next to the type of sand or gravel dune that will be impacted by the proposed activity. There are two types of sand dunes – front or back. Review the Maine Geological Survey (MGS) Coastal Sand Dune Geology Maps for your lot to determine which one you will be impacting. The most recently updated Coastal Sand Dune maps are available for viewing or downloaded at <https://www.maine.gov/dacf/mgs/pubs/digital/dunes.htm>.

Block 13. Type of Project. Check the box next to the type of project that is being proposed in the sand dune system. If you check “other,” write a one or two word description (e.g. fence, fill) for the activity in the box.

Block 14. FEMA Flood Zone. Check the box that identifies the flood zone in which the proposed activity is located.

Block 15. Variance Request. Check the appropriate box if you are applying for a variance under Section 8 of the Coastal Sand Dune Rules.

Block 16. Type of Vegetation on the Lot. Identify whether the area of lot that isn’t covered by structures, contains native or non-native vegetation, or some combination of both and estimate the approximate percentages of each, on the non-structural portion of the lot.

Block 17. Essential or Significant Wildlife Habitat. Indicate whether the proposed project is located adjacent to or in Essential or Significant Wildlife Habitat.

Block 18. Brief Project Description. Briefly describe the activity that is being proposed in the sand dune system.

Block 19. Size of Lot and % of Existing and Proposed Coverage. Write in the number of total square feet contained within the lot where the activity is proposed. Fill in the percentage of existing and proposed building and development coverage on the lot based on the lot’s total square footage. Building footprints must be determined by using the footprint definition in the Coastal Sand Dune Rules. Building and Development are also defined in the Rules.

Block 20. Proposed Foundation Type. Identify the type of foundation that is being proposed for proposed projects that involve new or reconstructed buildings or building additions.

Block 21. Title, Right, or Interest. Check whether you own, lease, have an option to buy, or have a written agreement to use the property. Please attach a copy of your deed, or other legal documents establishing title, right, or interest in the site and label it as Block 16.

Block 22. Deed Reference Numbers. Write in the deed reference numbers showing book and page. This information may be obtained at the County Registry of Deeds.

Block 23. Tax Map # and Tax Lot #. Write in the town tax map number(s) and lot number(s) for the property where the activity is located. This information may be obtained from the local tax bill, tax assessor or town office in which the activity is located.

Block 24. DEP Staff Previously Contacted. Write in the name(s) of any DEP staff that is familiar with the activity and/or the activity site. Include staff that have visited the site and/or have discussed the proposed activity in detail with you.

Block 25 & Block 26: Northing and Easting Locations, if known.

Block 27. Resubmission. If an application was submitted to the DEP and was then either withdrawn by the applicant or returned as deficient by the DEP, check YES. If the application was returned as deficient, a pre-submission meeting is required to ensure that the information is complete. Call the appropriate regional office to set up a pre-submission meeting with the project manager. If you checked YES on Block 23, write the original application number and the name of the project manager as shown on the deficiency letter. (Example application number: L-19054-4H-A-N)

Block 28. Written Notice of Violation. If you have received a written notice of violation from the DEP for all or part of this project, check YES. If you checked yes, write in the name of the staff person as identified on the notice of violation.

Block 29. After the Fact. Check the appropriate box identifying whether construction of the project started before an application was submitted.

Block 30. Detailed Directions to the Activity. Provide detailed directions to the activity site from a known location or landmark so that a site visit may be made, if necessary. Include highway and street numbers as well as names. Also provide distances from known locations or landmarks and any other information that may be helpful in locating the site.

Block 31. Basic Attachments. This block outlines what basic attachments must be submitted with the application form. Submit all of the information listed. Label each attachment with the appropriate Attachment number and place them behind the application form in numerical order.

Block 32. Fees. Write in the amount of application fees enclosed with the application (see current Licensing Fee Schedule). Make check payable to “Treasurer, State of Maine.” Be sure to include the signature page, properly signed as indicated.

FOR DEP USE

ATS #: _____
L- _____
Total Fees: _____
Date Received: _____

APPLICATION FOR A COASTAL SAND DUNE PERMIT

PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant:		5. Name of Agent: (if applicable)	
2. Applicant's Mailing Address:		6. Agent's Mailing Address:	
3. Applicant's Daytime Phone #:		7. Agent's Daytime Phone #:	
4. Applicant's E-mail Address:		8. Agent's E-mail address	
9. Location of Project: (Nearest Road, Street, Rt.#)		10. Town:	11. County:
12. Type of Dune: <input type="checkbox"/> Front (D-1) <input type="checkbox"/> Back (D-2)	13. Type of Project: <input type="checkbox"/> New Building or Addition <input type="checkbox"/> Vertical Addition <input type="checkbox"/> Reconstructed Building <input type="checkbox"/> Other	14. FEMA Flood Zone: <input type="checkbox"/> A-Zone <input type="checkbox"/> AO-Zone <input type="checkbox"/> B-Zone <input type="checkbox"/> V-Zone <input type="checkbox"/> Shaded X-Zone <input type="checkbox"/> Non-Flood (C-Zone)	
15. Variance Request:		<input type="checkbox"/> Section 8A <input type="checkbox"/> Section 8B	
16. Type of Vegetation on Lot: <input type="checkbox"/> Native _____ % of Lot Covered <input type="checkbox"/> Lawn/Landscaped _____ % of Lot Covered		17. Adjacent to or in Essential or Significant Habitat:	<input type="checkbox"/> Yes <input type="checkbox"/> No
18. Brief Project Description:			
19. Size of Lot and % of Existing and Proposed Coverage Note: One Acre = 43,560 sq. ft		20. Proposed Foundation Type:	<input type="checkbox"/> Post or Pilings <input type="checkbox"/> Frost Wall <input type="checkbox"/> Full <input type="checkbox"/> FEMA Flow Through
21. Title, Right or Interest:		<input type="checkbox"/> Own <input type="checkbox"/> Lease <input type="checkbox"/> Purchase Option <input type="checkbox"/> Written Agreement	
22. Deed Reference Numbers		Book #:	Page #:
		23. Map and Lot Numbers (Town Tax Map):	Map #:
		Lot #:	
24. DEP Staff Previously Contacted:		25. UTM Easting:	26. UTM Northing:
27. Resubmission of Application?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, previous application #	After the Fact: <input type="checkbox"/> Yes <input type="checkbox"/> No
28. Written Notice of Violation?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	Previous project manager: <input type="checkbox"/> Yes <input type="checkbox"/> No
29. Detailed Directions to the Project Site:			
30. Basic Attachments: Note: A copy of the complete application must be submitted to the municipality.			
<input type="checkbox"/> Fee <input type="checkbox"/> Agent Letter of Authorization <input type="checkbox"/> Copy of Public Notice/Public Info Meeting Documents <input type="checkbox"/> Documentation of Title, Right or Interest <input type="checkbox"/> Topographic Map		<input type="checkbox"/> Copy of MGS Coastal Sand Dune Geology Map <input type="checkbox"/> Flood Insurance Rate Map <input type="checkbox"/> Photographs of Lot <input type="checkbox"/> Project Description <input type="checkbox"/> Project Drawings	
31. FEES, Amount Enclosed:			
Does agent have an ownership interest in project? If yes, what is the interest?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
SIGNATURES/CERTIFICATIONS ON PAGE 2			

SIGNATURE PAGE: THIS PAGE MUST BE SUBMITTED ALONG WITH THE FORM ON THE PREVIOUS PAGE.

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following:

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

DEP SIGNATORY REQUIREMENT

I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in the application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent).

SIGNATURE OF APPLICANT, if agent involved

DATE

SIGNATURE OF AGENT / APPLICANT

DATE

NOTE: Any changes in activity plans must be submitted to the DEP in writing and must be approved by the DEP prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

BASIC ATTACHMENTS

- A. Submit as Attachment 1: A copy of deed, lease, purchase and sales agreement or other legal document establishing title, right or interest in the site.
- B. Submit as Attachment 2: A map with the project location clearly marked. Acceptable maps are 7.5 minute USGS topographic maps or other maps of similar detail such as the Maine Atlas and Gazetteer (clear photocopies are acceptable provided they are labeled with the quad name or map number).
- C. Submit as Attachment 3: A copy of the Maine Geological Survey (MGS) Coastal Sand Dune Geology Map showing your project location clearly marked on it. The most recently updated Coastal Sand Dune maps are available for viewing or download at: <https://www.maine.gov/dacf/mgs/pubs/digital/dunes.htm>.

To access a hard copy of a map, please contact your town office or call MGS at 207-287-2801.

- D. Submit as Attachment 4: A copy of the Flood Insurance Rate Map of your town, with your location marked clearly on it. These maps are published by the Federal Emergency Management Agency (FEMA) and are available for review at municipal offices and DEP regional offices.
- E. Submit as Attachment 5: Color photographs that show the sites characteristics. Photos should be mounted on an 8½" x 11" sheet. The photographs must be labeled with the location, photographer and date taken.
- F. Submit as Attachment 6: A complete and in-depth project description. For a new or reconstructed building or an expansion to a building, include the following information:

	Existing:	Proposed:		
Building:			Elevation used by municipality	
Porch:			Highest natural elevation, measured 5 feet from existing building	
Deck:			Lowest natural elevation, measured 5 feet from existing building	
Driveway:			Building peak elevation	
Landscaped area:			Lowest structural elevation	
Other structure(s):			Distance moved landward	
Height:			Prior reconstruction?	
			Storm damage?	

NOTE: Review the attached Coastal Sand Dune Rules to ensure that you are describing and measuring your project appropriately.

- G. Submit as Attachment 7: For new buildings or an addition to an existing building in an erosion hazard area, the site plan must include a post foundation designed to meet the requirements of the Department’s Coastal Sand Dune Rules, 06-096 CMR 355(6)(G).

Please include scale drawings (overhead and side views) of the project site, which show the project in detail. The drawings must be drawn at a scale of one-inch equals 100 feet or larger with 2-foot

contours. Including the following information on the drawings:

- (1) Dimensions and square footage of the lot;
- (2) Dimensions (including a building's height) and square footage of existing and proposed structures e.g. houses, sheds, garages, decks, patios, driveways, parking areas, walkways, etc. and their location on the lot. Clearly distinguish between the existing and proposed structures;
- (3) For new buildings or an addition to an existing building in an hazard area, the site plan must include a post foundation designed to meet the requirements of the Department's Coastal Sand Dune Rules, 06-096 CMR 355(6)(G)
- (4) Location of property lines and names of abutters;
- (5) Location of buildings on adjacent properties;
- (6) Location of coastal or freshwater wetland boundary, where applicable, and the distance in feet to the closest existing and proposed structures;
- (7) Lot and project site elevations. These should be given in reference to National Geodetic Vertical Datum (NGVD). The FEMA flood maps indicate the locations of reference markers from which to determine elevations.

H. Submit as Attachment 8: The Public Notice / Notice of Intent to File. Fill out the Notice of Intent to File included in the application (page 11). Submit the original with the application. Distribute copies as outlined in the "Public Notice Filing and Certification" form (next page).

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2 , Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. “Abutter” for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a duplicate of the entire application to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of, if required, and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.

Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or Authorized Agent

Date

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that:

(Name and Phone of Applicant)

(Address of Applicant)

is intending to file a Natural Resources Act, Coastal Sand Dune permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A through 480-JJ and the Coastal Sand Dune Rules, Chapter 355, on or about:

(Anticipated Filing Date)

The application is for:

(Description of the Activity)

At the following location: _____

A request for a public hearing or a request that the Board of Environmental assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta, Bangor or Presque Isle) during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(Town)

Written public comments may be sent to the regional office in Portland, Augusta, Bangor, or Presque Isle where the application is filed for public inspection:

MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333

MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04101

MDEP, Northern Maine Regional Office, 1235 Central Drive, Skyway Park, Presque Isle, Maine 04769

For more information on how to submit public comment with the DEP, please go to our website: [Public Participation in the Licensing Process \(Information Sheet\) Maine DEP](#)

**APPENDIX A: ADDITIONAL ATTACHMENTS FOR
PROJECTS REQUESTING APPROVAL UNDER SECTION 6(B)(5)**

- A. Submit as Attachment 9, a deed that states that the undeveloped lot was a deeded lot of record as of August 1, 1983.
- B. Submit as Attachment 10, evidence that the adjacent lots on both sides of the undeveloped lot contain a residential building located within 100 feet of the lot line of the vacant lot and that these residential buildings were in existence on January 1, 2003.
- C. Submit as Attachment 11, evidence that the undeveloped lot is not precluded from development by other federal, state, or local requirements.
- D. Submit as Attachment 12, evidence that all available variances of municipal regulations that would allow an alternative to the project to proceed in compliance with the standards in Chapter 355, Section 5 have been ruled upon and rejected by the municipality.
- E. Submit as Attachment 13, purposed sand dune mitigation and enhancement measures.

**APPENDIX B: ADDITIONAL ATTACHMENTS FOR
PROJECTS REQUESTING A SECTION 8 VARIANCE**

If you are applying for a Section 8A Variance including the following attachments with your application:

- A. Submit as Attachment 9 either:
 - 1. Information that indicates that a court has determined that the denial of a coastal sand dune permit would constitute an unconstitutional taking of property after an appeal, if any; or
 - 2. The following information as Attachments 9, 10, 11, 12 and 13:
 - a. (8) A deed that states that the undeveloped lot was a deeded lot of record as of August 1, 1983.
 - b. (9) Evidence that the property cannot be put to a practical economic use unless a variance is granted. This evidence should include the value of the property when it was purchased or acquired, the reasonable expectations of the applicant for the use of the property when it was purchased or acquired, and the value and possible uses of the property without the requested variance.
 - c. (10) Evidence that the hardship is not the result of action taken by the applicant or the prior owner of the undeveloped lot.
 - d. (11) Evidence that the applicant has explored all alternatives that would allow the project to proceed in compliance with the standard(s) from which a variance is sought and an explanation of why each alternative is unavailable or unreasonable.
 - e. (12) Evidence that any person who owns land located within 150 feet of the boundary of the property to be developed has received public notice of the application by certified mail prior to the submission of the application.

If you are applying for a Variance from Section 8B including the following attachments with your application:

- A. Submit as Attachment 9, evidence that the hardship is not the result of action taken by the applicant or the prior owner of the undeveloped lot.
- B. Submit as Attachment 10, evidence that the applicant has explored all alternatives that would allow the project to proceed in compliance with Section 6(E) and an explanation of why each alternative is unavailable or unreasonable.

