

EASTPORT MUNICIPAL PLANNING BOARD

PUBLIC HEARING & SPECIAL MEETING

JANUARY 24, 2022

MINUTES

MEMBERS PRESENT: Michael Morse, Stephen Collins, Tom Ries Bob O'Hayer, and Alternate Greg Gordon.

PUBLIC PRESENT: Robert Scott, Mark Wiggly, and City Manager Kate Devonshire.

PUBLIC HEARING Called to order 6:00 p.m. by Chairman Michael Morse.

Update of Mandatory Shoreland Zoning per MDEP

Creating a Separate Eastport Shoreland Zoning Manual with Current Updates

Creating Updated Zoning Ordinance Manual less Shoreland Zoning

Michael gave a summary of the changes. Namely removing all reference to Shoreland Zoning from the present zoning ordinance and creating a separate manual. This would make it easier for future updates. We have been working on this since 2019. Enclosed as an attachment 1 with the minutes is a Summary created by Michael for further explanation for City Councilors.

There being no further questions or comments the Public Hearing was closed at 6:06 p.m.

Special Meeting called to order at 6:06 p.m.

Greg Gordon moved up to voting member in Hugh French's absence.

Action on Public Hearing

Motion Collins, Second O'Hayer to recommend the Council approve the separate Mandatory Shoreland Zoning Manual. Unanimously approved.

Motion Ries, Second O'Hayer to recommend the Council approve the Separate Zoning Ordinance with Shoreland zoning removed. Unanimously approved.

Open Forum Nothing

Set next meeting Date Next meeting set for February 22, 2022 6:00 p.m. at City Hall. This will include a regular meeting with annual organizational meeting.

Motion Collins, Second O'Hayer to Adjourn. Unanimously approved.

Meeting adjourned at 6:11 p.m.

Attachment #1

**SUMMARY OF MAINE MANDATORY SHORELAND ZONING AND REQUIRED UPDATES
RECOMMENDED TO THE CITY OF EASTPORT BY THE EASTPORT PLANNING BOARD**

**Chair: Michael Morse
January 2022**

What is Mandatory Shoreland Zoning?

The Mandatory Shoreland Zoning Act was enacted by the Legislature in 1971. The Mandatory Shoreland Zoning Act (MSZA) requires municipalities to adopt, administer, and enforce local ordinances that regulate land use activities in the shoreland zone.

The shoreland zone is comprised of all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river;
- upland edge of a coastal wetland, including all areas affected by tidal action, and
- upland edge of defined freshwater wetlands
- all land areas within 75 feet, horizontal distance, of the normal high-water line of certain streams.

What happens if a city does not adopt its own Shoreland Zoning Ordinance?

If a municipality has not adopted its own shoreland zoning ordinance, the state will adopt and enforce their recommended model ordinance for that municipality.

What types of controls are contained in the ordinance?

The ordinance contains numerous standards for shoreland development activities, including:

- minimum lot area and frontage;
- structure setbacks;
- clearing limitations;
- timber harvesting limitations;
- erosion and sedimentation control;
- sewage disposal
- provisions for nonconforming uses, nonconforming lots, and nonconforming structures.

When did Eastport Enact Mandatory Shoreland Zoning?

The current Eastport Zoning Ordinance manual that included Mandatory Shoreland Zoning was adopted by the City Council in December of 1991.

What is the Planning Board Recommending to the City Council?

Maine Department of Environmental Protection's Chapter 1000: Guidelines for Municipal Mandatory Shoreland Zoning Ordinances was used to make the Planning Board's recommendations to update our existing ordinances. This document contains 77 pages of changes, updates and clarifications. It is available in the Code Enforcement office at City Hall. There have been 6 updates from MDEP since 1990 that reflect changes in rules from both Federal and other state agencies. As environmental and technological changes happen in the coming years I expect other changes in Mandatory Shoreland Zoning will be enacted by MDEP. This is the major reason that the Planning Board is recommending separating Shoreland Zoning manual

from Eastport Zoning Ordinances. All references to Shoreland Zoning requirements have been removed from the Zoning Ordinance manual to prevent conflicts. The new manual is similar to our existing **Sub-division Ordinance, Flood Hazard Development Ordinance and Wireless Telecommunication Siting Ordinance**. The reason for this is Shoreland Zoning requirements have been included as part of many other land-use ordinances contained within the Zoning Ordinance manual. Every time we receive changes or an updates from MDEP it requires the reworking of the entire Zoning Ordinance manual. This current update includes 2 separate updates. By separating the manuals, changes in future in Shoreland Zoning will only require us to update the Shoreland Zoning manual. We believe this to be easier and more accurate to maintain and simpler to understand for both City Officials and for the general public. We have found this to be true with both Flood Plain and Sub-division Ordinances. All changes follow MDEP current updates and have been reviewed by the MDEP office in Bangor.

Brief Overview of Changes

- Eastport Zoning Districts and Shoreland Zoning maps have been updated
- Basic corrections in the numbering system have been corrected
- Some simple grammatical errors were corrected. This was also the case in our own Zoning Ordinances
- Nonconforming structures within the Shoreland Zone can no longer be expanded
- Many significant definition changes including wetlands, wildlife habitats, land area calculations and other minor terminology clarifications
- Shoreland Stabilization requirements for structures on piers, docks or wharfs limited the number of allow structures on a single lot.
- New requirements for structures on floating docks to be approved by DIFW.
- New requirement on the removal of vegetation along the shoreline both temporary and permanent.
- New requirements on deck construction along the shoreline
- New requirements for manure spreading and livestock grazing areas to be approved by the State Commissioner of Agriculture
- New requirements for timber harvesting within the Shoreland must follow Maine Forest Bureau pursuant to Title 12, section 8867-B.
- A change in the requirement for Code Enforcement to make biennial reports of permits to MDEP.
- In Appendix A, alternative to 30% expansion rule (M.S.R.A. Section 439A was eliminated