

TOWN OF ADDISON
WASHINGTON COUNTY
SHORELAND ZONING ORDINANCE
FILE #15-07

2.
) MANDATORY SHORELAND ZONING ACT
) 38 M.R.S.A., SECTION 438-A (3)
) ORDINANCE APPROVAL WITH
) CONDITIONS

requirements greater than 100 feet of shore frontage and 20,000 square feet of lot area. That date is May 27, 1992, but is not referenced in Section 12(E)(3).

C. The town did not adopt an Official Shoreland Zoning Map with the enactment of the July 18, 2007 ordinance. In addition because an official map was not included with the Ordinance, the town has not updated the zoning adjacent to the moderate and high value freshwater wetlands based on the Department of Inland Fisheries and Wildlife's May 1, 2006 ratings as required in Section 13(A)(1).

D. The town did not include the Addison Point Commercial zoning district in the amended text of their Ordinance, although this district was previously adopted by the town and is used on their previously adopted Shoreland Zoning Map.

4. In a letter dated October 5, 2007, the Town of Addison was notified by the Department of the above deficiencies, and the proposed conditional approval of the locally adopted ordinance. No comments were submitted to the Department.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

1. The deficiency noted in paragraph 3(A) above can be addressed by the Department approving the 30% expansion limitation, and disapproving the alternative expansion provision found in Appendix A of the Town's ordinance.
2. Section 12(E)(3) can be properly administered if it is based on the date that the Town amended the lot size and shore frontage standards to require lot sizes greater than 100 feet of shore frontage and 20,000 square feet. That date is May 27, 1992.
3. The Town's failure to re-adopt its shoreland zoning map and to update said map consistent with the May 1, 2006 freshwater wetlands ratings for waterfowl and wading bird habitat should not keep the Town from administering the newly amended text. The Board of Environmental Protection has given municipalities until July 1, 2008 to fully update local shoreland zoning ordinances consistent with the May 1, 2006 Guidelines.
4. The Town's failure to include the Addison Point Commercial district within the text of the Ordinance is merely an oversight. The Town previously adopted this distinct zoning to reflect the current pattern of development in the commercial center of the Town.

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THEREFORE, the Department APPROVES the Shoreland Zoning Ordinance for the Town of Addison, as adopted on July 18, 2007, SUBJECT TO THE ATTACHED CONDITIONS:

1. The Town of Addison shall administer the 30% expansion limitation for non-conforming structures as provided for in Section 12(C)(1)(a) of the Ordinance. The alternative expansion requirement shall not be administered and Appendix A shall not be applicable to this Ordinance.
2. Section 12(E)(3) shall read as follows:

“(3) Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record on May 27, 1992 or thereafter, if any of these lots do not individually meet the dimensional requirements of this Ordinance, or subsequent amendments, and if one or more of the lots are vacant and contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on May 27, 1992 and recorded in the registry of deeds if the lot is served by public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.”
3. The Town of Addison Shoreland Zoning Map adopted on February 20, 2004 shall remain in effect, but must be amended by July 1, 2008 to provide proper zoning districts for moderate and high value freshwater waterfowl/wading bird habitats as rated on May 1, 2006 by the Maine Department of Inland Fisheries and Wildlife.
4. The Addison Point Commercial District, including all standards and provisions, shall remain in effect as adopted by the Town of Addison on March 14, 1997.

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4.
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DONE AND DATED AT AUGUSTA, MAINE, THIS 7th DAY OF NOVEMBER, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  (for)
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES