

Maine Land Use Planning Commission

Department of Agriculture, Conservation and Forestry



BASIS STATEMENT AND SUMMARY OF COMMENTS

FOR AMENDMENTS TO

CHAPTER 10: LAND USE DISTRICTS AND STANDARDS REGARDING

ACCESSORY STRUCTURES

Adopted June 12, 2024

STATUTORY AUTHORITY:

12 M.R.S. §685-A(3)
12 M.R.S. §685-A(7-A)
12 M.R.S. §685-C(5)(A)

FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT:

The goal of this rulemaking is to improve landowner compliance with land use standards and resource protections and maintain the ability of landowners to construct certain accessory structures without obtaining a permit from the Commission.

PUBLIC NOTICE OF RULEMAKING

At a meeting held on February 14, 2024, the Commission voted to initiate rulemaking and post the revisions to public comment with at least a 30-day public comment period and a 14-day rebuttal period.

Notice of the rulemaking was provided in the Secretary of State's consolidated rulemaking notice on February 28, 2024. The Secretary of State's notice appeared in the Bangor Daily News, Kennebec Journal, Portland Press Herald, Lewiston Sun-Journal, and the Central Maine Morning Sentinel. E-mail notice was also provided to approximately 2,220 individuals. These included the Commission's mailing list of persons wishing to be contacted regarding LUPC rulemaking. The notice of the rulemaking and the proposed revisions were also posted on the Commission's website.

The record remained open until April 1, 2024, to allow interested persons to file written statements with the Commission and for an additional 15 days until April 16, to allow interested persons to file rebuttal comments.

COMMENTS AND RESPONSES:

Written comments were submitted only by the Seven Islands Land Company.

1. Authorized Individuals

We understand [the] goal of the proposed revision to Section 10.27 P. 1) to give a check on structures allowed without a permit, and appreciate that the proposal maintains the ability to construct an accessory structure, subject to standards without a permit.

One suggestion is that in section 10.27 P. 1), “self-verification by the landowner” be changed to “self-verification by the landowner or lessee.” Obviously many of those building accessory structures would not be landowners in the case of camp leases, etc. This would be consistent with other instances wherein lessees file notifications or building permit applications in cases where those are required.

Commenter: H. Stevens, Seven Islands Land Company

Response: The Commission concurs with the comment and recommended revision.

Action: The following illustrates revisions to the posted rulemaking:

- Revise Section 10.27,P,1: “Written notice required. Notice pursuant to Chapter 4, Section 4.05,C has been completed prior to constructing or placing the accessory structure. Notice must include self-verification by the landowner or lessee that the standards listed in Section 10.27,P will be met.”