

# Shoreland Zoning Taskforce Ordinance Amendments

## Executive Summary

### Background

- The Town received a grant early in 2012 from the State Planning Office to review Shoreland Zoning town-wide.
- The Board of Selectmen created a Shoreland Zoning Taskforce in the spring of 2012 for the review. The taskforce consists of business owners, fishermen, residents within the shoreland zone, several other residents in town and representatives of the Town's land use committees..

### Taskforce

The mission of the Taskforce was to review whether the current shoreland zoning reflects State law, particularly with respect to the Resource Protection designations, and whether it contains enough designated area to protect and maintain a viable fishing industry. In addition, the Task force will review areas that may not be appropriately zoned for the land uses which are predominantly occurring in them. Areas of concern include the southern side of Mitchell Field, Cundy's Harbor business area, Land's End, and the western side of Mackerel Cove.

### How did the taskforce gather public input?

- Public feedback/workshops – The taskforce held three public workshops in three different areas of town.

### The ordinance amendments that are being put forth

- Emphasize the town's commitment to protecting local fishing rights within the shoreland zone
- Promote improved access to the water for recreation and fishing
- Protect water and marine resources by increasing the restricted area for the elimination of chemical fertilizer and manure application.
- Reduce sideline setbacks on existing ROW's to facilitate functional use of community docks
- Make changes in language to avoid confusion and to be in alignment with state definitions

### Ordinance Amendments

#### Shoreland Zoning Ordinance

- Amends the purpose statement to include/highlight the preservation and protection of the maritime industry and uses including commercial fishing. - Section 1
- Replaces the term "maximum high water line" with "highest annual tide" - first in Section 3, then throughout.
- Replaces "water body" with "great pond, stream, coastal wetland, and freshwater wetland" - first in Section 3, then throughout.
- Specifies "Single Family Dwelling Unit for Special Exception" - Section 13.1.1
- Adds "Shoreland Access Special Exception" for improved access to the shore – added Section 13.1.2
- Adds statement in Shoreland Residential District description regarding home occupations and commercial fishing. – Section 13.2
- Allows review of 6 ft commercial piers, docks, etc to be reviewed by CEO - Land Use Table, Uses 18.1 and 18.2
- Adds Fertilizer to the Land Use Table –Use 42

- Reduces setbacks for community piers, docks, and wharves and establishes setbacks for no shared access parcels – Section 15.2.1.2
- Removes setbacks for seawalls and or retaining walls – Section 15.2.1.4
- Clarifies boundaries of Mitchell Field Business District – Section 15.2.1.6
- Increases the setback for fertilizer use – Section 15.21.1
- Changes the setback for community docks – Section 15.23.2

### **Definitions Addendum**

- Amends definition of Community Dock
- Adds definition of Community Shoreland Access
- Adds definition of Highest Annual Tide (HAT)
- Amends definition of Salt Meadow, Shoreland Zone, Tidal Waters, and Wetland

### **Shoreland Zoning Map**

- Commercial Fishing – display the different zones, CF 1 and CF 2
- Cedar Ledge – Commercial Fishing – display the different zones, CF 1 and CF 2
- Crow Island – Add Resource Protection, currently not zoned
- Within Cundy’s Harbor – Residential to Business
- Widgeon Cove westerly from “High Head Yacht Club” – Residential to Commercial Fishing
- Interval Road – Residential to Commercial Fishing
- Lands End – Residential to Business
- Little Mark Island – no zoning to Resource Protection
- Lookout Point – Residential to Resource Protection
- Mitchell Field – Residential to Resource Protection
- Near Morse’s Lobster – Commercial Fishing to Residential
- Stover’s Point – shift shoreland zone to match property lines and shoreland definition
- Ash Point/Basin Point – Residential to Commercial Fishing 2 at Point
- Pott’s Point – no change