**Town of Bremen Draft SZO Amendments**

**Proposed by Steve Wallace and Jack Mohr Aug 28, 2019**

**PLEASE NOTE**: These are our proposed amendments to the State Model Ordinance of minimum shoreland zoning waterbody and wetland setback requirements and apply only to new construction on conforming lots and to existing conforming structures. Setbacks for construction on existing non-conforming lots or non-conforming structures may be different and can only be realistically developed once we agree upon what we will propose for setbacks on conforming lots and structures are agreed upon.

REVISE Section 15.B(1) in the State Model Ordinance to read as follows:

 **B. Principal and Accessory Structures**

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and the waterways that flow between them. Unless a paved, public road is located between the proposed development and the protected resource, the following additional limitations shall apply:

(i) the total of existing and new impervious area within 150 feet, horizontal distance, from the normal high-water line of these ponds and connecting waterways shall be no more than 1,000 square feet, and the maximum height of any structure within 150 feet shall be no more than 25 feet.

(2) All new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. Unless a paved, public road is located between the proposed development and the protected resource, the following additional limitations shall apply:

(i) the total of existing and new impervious area within 100 feet, horizontal distance, from the normal high-water line of these other resources shall be no more than 1,000 square feet, and the maximum height of any structure within 100 feet shall be no more than 25 feet; and

(ii) the total of existing and new impervious area within 150 feet, horizontal distance, from the normal high-water line of these other resources shall be no more than 2,000 square feet, and the maximum height of any structure between 100 feet and 150 feet shall be no more than 30 feet, provided any portion of those structures and other impervious surfaces located less than 100 feet from the normal high-water line of these other resources also meet the limits in Section 15.B (2)(i).

(3) In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback, and in the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

**NOTE**: The *Natural Resources Protection Act*, 38 M.S.R.A. sections 480-A through 480-HH, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat".

Permitting under the *Natural Resources Protection Act* for activities adjacent to significant wildlife habitat areas may require greater setbacks. Contact your local Department of Environmental Protection office to see if additional permitting is required.

 **In addition**:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b)The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but are not limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

ADD the following to the state model ordinance definitions section: **Total impervious area** – the footprint of all structures on a lot plus the total area of packed gravel such as a roadway, recycled asphalt, pavers or paved areas, including any other material covering the ground surface that will not allow water to pass through it.

KEEP the state model ordinance definitions of **Footprint**, **Great pond**,and **Great pond classified GPA**.