BLUE HILL
AMENDMENTS TO
THE SHORELAND ZONING ORDINANCE

Effective Date: March 16, 2002
Amended:

Certified By:

Municipal Officers

Attest: True Copy  

Town Clerk
PROPOSED AMENDMENTS TO THE BLUE HILL SHORELAND ZONING ORDINANCE

Change 1. **Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).**

Section 17. **Definitions**

**Forested Wetland** – a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Freshwater Wetland – freshwater swamps, marshes, bogs and similar areas*, which are:

This definition specifically excludes forested wetlands except those forested wetlands occurring in or adjacent to areas on 1st Pond (Billings), 2nd Pond (Douglass), 3rd Pond (Woods), and Todd Pond designated as Resources Warranting Special Protection. In those areas, the Shoreland Zoning Ordinance map illustrations and descriptions shall take precedence in defining both the protected resource and the setback.

Rationale: Legislative changes in 1992 clarified the types of wetlands Towns must Shoreland Zone. Blue Hill revised certain wetland areas to reflect the legislative change and applied that change since. However, due to an oversight, the Town of Blue Hill never formally adopted the enabling definitions, but, nevertheless, has applied them since 1992. Adopting this amendment simply reflects practice since 1992 and removes a 'nonconforming lot' label from any such projects or lots approved by the Planning Board and Code Enforcement Officer since that time. The special protection around loon nesting sites remains by including a specific reference to the four ponds and the Shoreland Zoning Ordinance map illustrations and descriptions.

Change 2. **Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).**

Section 15. **Land Use Standards, Paragraph A. Minimum Lot Standards, Residential Per Dwelling Unit.** a. Within the Shoreland Zone adjacent to Tidal Areas, Lot Area (sq. ft.) 37,500.

Rationale: At present the Ordinance Requires 40,000 sq. ft. However, the ordinance also requires a minimum of 150' of shore frontage. The product of a 250' wide Shoreland Zone and the minimum frontage of 150' is 37,500 sq. ft., not 40,000 sq. ft. Any lots approved by the Planning Board with the minimum
Amendment to the Blue Hill Shoreland Zoning Ordinance

Article 90. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 13.F. General Development District. The General Development District includes areas discernible as having patterns of intensive commercial, industrial, or recreational uses. Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

Section 15.B.1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District and Limited Commercial District the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback.

Section 15.B.4. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to tidal waters and rivers which do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

Rationale: At present the Ordinance does not include a General Development District. The Limited Commercial District along Main St. and Water St. now in Limited Commercial District has been used as a General Development District for the past 15 years. Due to consideration given by the DEP to the town, because we have a Public Sewer Treatment Plant and do not have to deal with septic issues, the Planning Board has been able to treat the area in question as General Development. The Blue Hill Planning Board would like to amend this Ordinance to reflect what actually exists today.
frontage are probably nonconforming. This amendment simply promotes consistency in the ordinance and removes a potential 'nonconforming lot' label from any such lots/projects already approved.

Change 3. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 15. Land Use Standards, Paragraph B. Principal and Accessory Structures. 1. "and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback except when the land use is residential. Any structure used for residential purposes shall be setback 75"."

Rationale: There is no point in trying to preserve water access for fishery/maritime uses if the parcel can be used for residential purposes and even subvert the intent of a setback.

Change 4. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

K. Septic Waste Disposal. 1.,

Eliminate subparagraph a.

Rationale: The subsurface wastewater disposal system has to be installed in conformance with the Rules anyway including a 100' setback for the disposal portion of the system, i.e., the chambers, stone bed, etc. However, the Rules provide for installation of a septic tank of monolithic construction, or, one proven to be watertight, within 50' of a major waterbody. This amendment, by eliminating the 'no waiver' clause, would eliminate the need in some cases for a grinder pump where gravity to a septic tank is not possible.

As a practical matter, Health Engineering considers the "associated piping" of a subsurface wastewater disposal system as commencing 8' from the dwelling, i.e., from the end of the building drain which is the point where the building sewer by definition commences. If the minimum setback is 100' from the system including any components thereof, technically one has to measure the 100' setback from the end of the building drain/beginning of the building sewer. As a practical matter, I do not recall Code Enforcement Officers, Planning Boards, and LPI's ever considering this.
Article 92

Shall the following shoreland areas as depicted on Blue Hill's Official Shoreland Zoning Map (as amended 03/18/06) be included in a General Development District (GD I): All the area presently indicated as Limited Commercial District: all the shoreland area along Mill Stream from Main Street to the High Street bridge over Mill Brook; the west side of Mill Brook from the High Street bridge over Mill Brook to the northerly boundary line of the Blue Hill Consolidated School property?

Rationale:

The Shoreland Zoning amendment adopted by the Town of Blue Hill at the annual Town Meeting on March 18, 2006, changed the Shoreland Zoning designation along Main Street and Water Street from Limited Commercial District to General Development District. The language of that amendment appears to encompass only a portion of the area intended for inclusion in the General Development District. This amendment clarifies any ambiguities in the boundaries of the General Development.

This amendment includes the Blue Hill Consolidated School property in the General Development District since use of the property is consistent with the land use criteria for that district. The Maine Department of Environmental Protection reviewed and agreed that the School is consistent with the General Development District concept.