

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: **MAINE LAND USE PLANNING COMMISSION,**
Department of Agriculture, Conservation & Forestry

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

Chapter 10, Land Use Districts and Standards

STATUTORY AUTHORITY: 12 M.R.S. § 685-A(3); § 685-A(7-A); and § 685-C(5)

DATE, TIME AND PLACE OF PUBLIC HEARING:

No public hearing proposed at this time

COMMENT DEADLINE:

Written comments must be submitted on or prior to *June 10, 2016*;
Written rebuttal comments must be submitted on or prior to *June 17, 2016*.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see §8057-A(1)(A)&(C)*]

The Commission proposes to update its rules to reduce the distance structures must be set back from the road to 30 feet in Residential Development (D-RS) and General Development (D-GN) subdistricts with corresponding reductions in vegetative buffers. The Commission also proposes to reduce the road setback requirement for residential structures on State and Federal Routes from 75 feet to either 50 or 30 feet, dependent on subdistrict. The Commission proposes to allow flexible road setbacks of no less than 20 feet from interior roads for non-residential development on a case by case basis according to performance criteria. The Commission also proposes to allow, under certain conditions, residential accessory structures to be placed on new or existing, nonconforming lots across the road from the residence. In addition, the Commission proposes edit to the accessory structure by standard use listing to clarify that accessory structures must be located in subdistricts which allow their associated principal use. Proposed changes to the subdistrict use listings will clarify that accessory structures may be allowed in LUPC jurisdiction by permit or special exception.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES NO [*§8056(1)(B)*]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see §8057-A(1)(B)&(D)*]

Often, in more densely developed areas, it is appropriate to permit structures closer to the road than has been allowed. This rule revision will reduce the required road setback and corresponding vegetative buffers to 30 feet in more densely developed subdistricts (D-RS and D-GN). Based on traffic safety research, the rule revision will also reduce the road setback for residential structures on State and Federal Routes from 75 to either 30 or 50 feet, dependent on subdistrict. On some internal roads that serve commercial or non-residential developments, it is appropriate to permit structures closer to the road than current road setbacks allow. Therefore, this rule revision will allow flexible road setbacks of no less than 20 feet from interior roads for non-residential development on a case by case basis according to performance criteria. In some locations the best place for a residential accessory structure is on a smaller sized lot across the road from the residence. In cases where the road is not owned by the applicant, this was problematic to permit in the past. This rule revision will allow residential accessory structures to be permitted on new or existing nonconforming lots across the road from residences under certain conditions. In addition, the rule edits the accessory structure by standard use listing to clarify that accessory structures must be located in subdistricts which allow their associated principal use. Changes to the subdistrict use listings will also clarify that accessory structures may be allowed in LUPC jurisdiction by permit or special exception.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

- *Analysis of vehicular crash data*
- *Field observations of road setbacks, vegetative buffers and their associated visual impacts*
- *Interviews with design professionals*
- *Quantitative analysis of potential prevailing road setback rules*
- *Review of DOT right of way widths along State and U.S. Routes in the LUPC service area*
- *Surveys of LUPC Commissioners and permitting and compliance staff*

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

There will be no measurable fiscal impact of these rule changes.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[*see* §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [*see* §8057-A(2)(B)]

BENEFITS OF THE RULE: [*see* §8057-A(2)(C)]

Note: If necessary, additional pages may be used.