

**New Changes to the Shoreland Zoning Ordinance**  
**Section 12. C. Non-conforming structures.**  
**Effective date: September 1, 2002**

\*\*\*\*\* **FROM** \*\*\*\*\*

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations

- a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

\*\*\*\*\* **TO** \*\*\*\*\*

- 1. Expansions: A non-conforming structure may be added to or expanded after obtaining approval from the planning board and a permit from the CEO if such addition or expansion does not increase the non-conformity of the structure and is in accordance with the subparagraphs (a) and (b) below.
  - (a) Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this ordinance are met.
    - i Expansions of any portion of a structure within 25 feet of the normal high water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase the non-conformity with the water body or wetland setback requirements.
    - ii Expansion of an accessory structure that is located closer to the normal high water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body or wetland setback.
    - iii For structures located less than 75 feet from the normal high water line of a water body or upland edge of a wetland, the maximum combined total floor area for all structures is 1,000 square feet and

the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.

- iv For structures located less than 100 feet from the normal high water line of a water body or upland edge of a wetland , the maximum combined total floor area for all structures is 1,500 square feet and the maximum height of any structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high water line of any water body or upland edge of a wetland must meet the floor area and height limits of division iii.

**(For the purposes of subparagraph (a), a basement is not counted towards floor area.)**

Amendments to the Shoreland Zoning Ordinance section 12, C, 1A.

### **Special expansion allowance**

- 1A. Existing principal and accessory structures that exceed the floor area and height limits set in divisions (iii) and (iv) above may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all the following requirements are met.
  - (a) The principal structure is set back at least 50 feet from the normal high water line of a water body or upland edge of a wetland.
  - (b) A well distributed stand of trees and other vegetation extends at least 50 feet in depth as measured from the normal high water line or upland edge of a wetland for the entire width of the property. A “well distributed stand of trees or other vegetation “ adjacent to a great pond classified GPA or a river flowing to a great pond classified GPA, is defined as maintaining a rating score of 12 or more in any 25 foot by 25 foot square area (626), and adjacent to other water bodies , tributary streams, and wetlands, a “well distributed stand of trees or other vegetation” is defined as maintaining a minimum rating score of 8 per 25 foot by 25 foot square area (626) as determined by the following rating system.

Diameter of tree at 4 ½ feet above ground level

2” to 4”	1 point
4” to 12”	2 points
12” or greater	4 points

If a well distributed stand of trees and other vegetation meeting the requirements of this subparagraph is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a

written plan, including a scale site drawing, by the property owner, and approved by the planning board or its designee, to re-establish a buffer of trees, shrubs, and other ground cover within 50 feet of the shoreline.

- (c) Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA except for the allowable foot path, there exists completed natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet of the normal high water line. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of storm water.
- (d) A written plan by the property owner, including a scale site drawing, is approved by the planning board and is developed, implemented and maintained to address the following mitigation measures for property within the shoreland zone.
  - (i) Un-stabilized areas resulting in soil erosion must be mulched, seeded or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies and wetlands.
  - (ii) Roofs and associated drainage systems, driveways, parking areas, and other non vegetative surfaces must be designed or modified, as necessary, to prevent a concentrated flow of storm water runoff from reaching a water body or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

**(1-B) Planting Requirements.**

Any planting or re-vegetation required as a condition to the **special expansion allowance** must be accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the rating score contained in paragraph (c) when the vegetation matures within the 50 foot strip. At a minimum, the plan must provide for the establishment of a well distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planting saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas, with no more than one species making up more than 50% of the number of saplings planted unless otherwise approved by the planning board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

**1-C Filing and reporting requirements.**

Written plans required pursuant to this section must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the DEP within 14 days of the issuance of the permit.