

Chapter 107: PERFORMANCE STANDARDS GOVERNING EXPANSIONS OF EXISTING NONCONFORMING USES, INCLUDING STRUCTURES

SUMMARY: The expansion of any existing nonconforming structure within the shoreland zone is limited to 30 percent calculated by both square footage and cubic footage and the structure can go no closer to the water than the existing closest point.

1. Scope.

This regulation shall be effective in all areas of the Saco River Corridor as defined in Title 38 M.R.S.A. Section 953 and shall apply to all nonconforming uses or structures in existence prior to March 19, 1974 and to all nonconforming uses or structures established after March 19, 1974, and which legally exist as a result of the granting of a variance by the Commission.

2. Definitions.

The terms expansion, enlargement, and extension shall, for the purposes of these standards, be synonymous and shall mean any increase in the land area covered by an existing nonconforming use, or any increase in any dimension of a nonconforming structure, including height.

3. Criteria for Approving an Expansion to an Existing Nonconforming Use within the Corridor.

- A. The proposed expansion will be on soils suitable for the proposed use and will not unreasonably involve any of the factors enumerated in 38 M.R.S.A. Section 959-A.1.A.-K. of the Act.
- B. The proposed expansion will not result in an increase in nonconformity when all applicable performance standards are applied.
- C. If the expansion involves any increase in the number of bedrooms in a single or multi-family residential dwelling, or if it involves an anticipated increase in the amount of wastewater generated by the expanded use, then, prior to issuance of any permit for the expansion, the applicant shall provide documentation that the existing system of sewage disposal is adequate under the provisions of the Maine Plumbing Code or other applicable state requirements, or shall, as part of the permit application, submit a proposal for a new system adequate to serve the expanded use. No permit shall be issued by the Commission until the applicant has demonstrated that the existing sewage disposal system is adequate or that a system of sewage disposal adequate for the intended use, can and will be installed. The Commission may require, when a new system is found to be necessary, that the new system be installed prior to the commencement of the proposed expansion.

- D. A new or enlarged basement built under an existing structure is not considered an “expansion” if: (a) the structure and new foundation are set back from the shoreline as much as possible; (b) the completed foundation does not extend beyond the exterior dimensions of the structure; and (c) it does not result in the structure being raised by more than three (3) feet.
 - E. After September 1, 1983, in areas of the Saco River Corridor which are also within the Shoreland Zone established by 38 M.R.S.A. Section 435, if any portion of a structure does not meet applicable setback standards, that portion of the structure shall not be expanded in floor area or volume by 30% or more during the lifetime of the structure.
 - F. Any buildings or building additions, including decks, porches, stoops and other portions of a building or building addition, shall not, when taken in total, cover more than 15% of the land area of the lot on which the building or building addition is situated. This standard shall not apply to areas of the corridor which were designated as General Development District prior to September 1, 1983.
 - G. Any building addition must be an integral part of the primary residential structure. This shall be accomplished by a direct, physical connection of the addition/accessory structure to the existing structure by load bearing surfaces including roofs and common walls.
 - H. If the proposed expansion does not meet the above standards, the Commission may grant a variance after notice and public hearing, under the provisions of 38 M.R.S.A. Section 963.
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STATUTORY AUTHORITY:38 M.R.S.A. Section 954-C.

EFFECTIVE DATE:

January 30, 2006 – filing 2006-44