

Information about Shoreland Zoning and the July 15th Special Town Meeting

The Town of Athens is holding a Special Town Meeting on Tuesday, July 15th at the Somerset Academy (26 Academy Street) so Athens residents can vote on two articles relating to the Town's Shoreland Zoning Ordinance.

State law requires every town to have a Shoreland Zoning Ordinance and to enforce state law governing building and cutting within the Shoreland Zone. The Mandatory Shoreland Zoning Act (MSZA) requires towns to adopt, administer, and enforce local ordinances that regulate land use activities in the shoreland zone. More information is available from the DEP at:

<https://www.maine.gov/dep/land/slz/>

If a property owner builds too close to a pond, does earthwork or major cutting that disturbs land in the Shoreland Zone, does work without a permit that require a DEP or municipal permit, or commits other significant violations of the Shoreland Zoning law, the Town is required to take enforcement action to bring the property into compliance with state law. If the Town does not enforce the law, the Town (ultimately local taxpayers) will be liable for paying potentially significant fines to the State.

Article 1 asks voters to authorize the creation of a Board of Appeals.

State Shoreland Zoning law requires each Town to establish a Board of Appeals that would meet for the purpose of handling property owners' appeals of permitting decisions and appeals of any fines issued by the Selectboard if a property owner is in violation of state law regarding building or cutting in the Shoreland Zone.

Article 2 asks voters to approve amendments to the Shoreland Zoning Ordinance that was adopted by the State Board of Environmental Protection on behalf of the Town in 1993 and amended by the State in 1994. The amended ordinance changes references to the Planning Board to instead refer to the Selectboard. Athens does not have a Planning Board, and State law does not require a Planning Board, but in the absence of a Planning Board the Selectboard is required to handle certain Shoreland Zoning permitting and enforcement matters. The amendment also removes references to coastal and saltwater land regulations and changes the section on building additions to base approval on square footage instead of volume calculations.

If Article 1 is voted down, the Town will not have an Appeals Board, so if a property owner appeals a Shoreland Zoning decision, the appeal would go to Superior Court. The Court would then order the Town to create a Board of Appeals, along with potentially having to pay penalties for violating the Shoreland Zoning law.

If Article 2 is voted down, the Town will still have its current Shoreland Zoning Ordinance in effect, and will still be required by State law to take enforcement action against major violations of the Shoreland Zoning Ordinance. If Article 2 is voted down, a Planning Board would be required and the Shoreland Zoning Ordinance will keep the requirement for additions and modifications of existing structures to be based on volume instead of square footage, making it more difficult for Code Enforcement to calculate the allowed size of a building, and resulting in property owners having stricter limits on how much a building can be modified or expanded than if the amended language is voted in.

For More Information, please call (207) 654-3471 or email townofathens@tds.net

