



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF BALDWIN) MANDATORY SHORELAND ZONING ACT
CUMBERLAND COUNTY) 38 M.R.S.A., SECTION 438-A (3)
SHORELAND ORDINANCE) ORDINANCE APPROVAL WITH
FILE # 64-92) CONDITIONS

Pursuant to the provisions of 38 M.R.S.A., Section 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective March 24, 1990, and amended July 14, 1992, the Department of Environmental Protection has considered the Shoreland Ordinance for the Municipality of BALDWIN, as adopted by the municipal legislative body on August 18, 1992, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires the Town of Baldwin to establish zoning controls in areas within 250 feet of the normal high water line of great ponds and rivers; within 250 feet of the upland edge of freshwater wetlands; and within 75 feet of the normal high water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, (Guidelines), as adopted by the Board of Environmental Protection (Board).
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is effective, it must be approved by the Commissioner of the Department of Environmental Protection (Commissioner). The Commissioner may approve, approve with conditions, or disapprove a locally adopted ordinance. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality.
3. The Department's review of the Baldwin ordinance has revealed the following significant deficiencies:
 - A. Sixteen (16) of the 20 freshwater wetlands, as shown on the Freshwater Wetlands Map for the Town of Baldwin, as prepared by the Department in 1989 (copy enclosed and identified as Appendix A), are not identified on the Baldwin Shoreland Zoning Map. In addition, no shoreland districts are established for the areas within 250 feet of these wetlands, as required by the Baldwin ordinance. Department records indicate that five of the wetlands are rated as moderate or high value by the Department of Inland Fisheries and Wildlife, and should be designated as Resource Protection Districts, according to the provisions of Baldwin's ordinance and the Guidelines.

TOWN OF BALDWIN
CUMBERLAND COUNTY
SHORELAND ORDINANCE
FILE # 64-92

2 MANDATORY SHORELAND ZONING ACT
) 38 M.R.S.A., SECTION 438-A (3)
) ORDINANCE APPROVAL WITH
) CONDITIONS

B. The Minimum Lot Standards for shoreland activities establish a 200 foot shore frontage requirement for lots within the shoreland zone supporting Governmental, Commercial, Institutional, and Industrial uses. This standard is less stringent than the Guidelines which require a minimum of 300 feet of shore frontage for these uses. In addition, no documentation was provided by the municipality to support this lesser standard.

4. In a letter dated September 18, 1992, the Town of BALDWIN was notified by the Commissioner of the above deficiencies, and the Department's proposed conditional approval of the BALDWIN Ordinance.
5. On October 22, 1992, the town responded to the Department's letter and Notice of Conditional Approval of the Baldwin Ordinance by proposing removal of Resource Protection districting around Wetland #181, in favor of partial Village District and Rural districting, due to the existing pattern of development on and around this wetland. In addition, the town asked that the Department allow a minimum shore frontage requirement of 200 feet (consistent with the existing Baldwin Land Use Ordinance) for all shoreland uses. The town further stated that the proposed 200 foot shore frontage requirement when combined with the minimum lot size requirement of 2 acres, together exceed the minimum standards contained in the Guidelines.
6. The Department accepts the Town's recommended zoning changes for wetland #181 as well as the reduced minimum shore frontage requirement for uses within the shoreland zone on the premise that the larger lot size requirement will balance the reduced shore frontage requirement.

Based on the above Findings of Fact, the Department makes the following CONCLUSION:

1. The BALDWIN Shoreland Zoning Ordinance, as adopted on August 18, 1992, is substantially consistent with the requirements of the Mandatory Shoreland Zoning Act, 38 MRSA, Section 438-A, with the exception of the deficiencies identified in Finding #3-A above. These deficiencies can be addressed by the Department adopting shoreland districting for those areas within 250 feet of Baldwin's freshwater wetlands.

TOWN OF BALDWIN
CUMBERLAND COUNTY
SHORELAND ORDINANCE
FILE # 64-92

3 MANDATORY SHORELAND ZONING ACT
) 38 M.R.S.A., SECTION 438-A (3)
) ORDINANCE APPROVAL WITH
) CONDITIONS

THEREFORE, the Department APPROVES the Shoreland Zoning Ordinance for the Town of BALDWIN, as adopted on August 18, 1992, SUBJECT TO THE ATTACHED CONDITION:

1. All shoreland areas, as shown on the attached Appendix A, Town of Baldwin Freshwater Wetlands Map, shall have the following district designations with all applicable Land Use Standards:
 - A. The shoreland areas within 250 feet of the upland edge of wetlands #170, 172, 173, and 179 shall be designated as Resource Protection Districts.
 - B. All areas within 250 feet of the upland edge of wetland #181 shall be zoned according to the existing underlying district designations, as contained within the Baldwin Land Use Ordinance, and shall be subject to the standards and provisions of the Baldwin Shoreland Ordinance.
 - C. All areas within 250 feet of the upland edge of all other wetlands shall be designated as Rural Districts, according to the provisions of the Baldwin Shoreland Ordinance, and shall be subject to the shoreland standards of that ordinance.
2. The minimum setback requirement from the normal high water line or upland edge of a wetland, for permitted principal and accessory structures, excluding those areas zoned for Resource Protection, shall be in accordance with the standards contained within the Baldwin Land Use Ordinance, but in no case shall be less than 75 feet.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28th DAY OF October, 1992

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:




Dean C. Marriott, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

TOWN
OF
BALDWIN

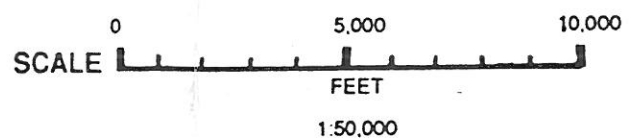
FRESH-WATER WETLANDS
MAP

LEGEND

WETLAND BOUNDARY - 
WETLAND IDENTIFICATION NUMBER (ID#) - 123
WILDLIFE VALUE RATING (WVR) - HIGH(H), MEDIUM (M), LOW(L), NOT RATED (N)

TABLE

ID #	WVR	ID #	WVR	ID #	WVR	ID #	WVR	ID #	WVR	ID #	WVR
164	N	171	N	182	L						
165	N	172	H	183	N	Marble Pond					
166	N	173	H	184	N						
167	N	174	N	185	N						
168	N	179	H	187	N						
169	N	180	N	191	N						
170	M	181	H	192	L						



NOTES:

- Mapped Wetlands** This map shows non-forested areas identified as wetlands by air photo interpretation. Interpretations were confirmed by soils mapping and other wetlands inventories. Field verification of the location and boundaries of the wetlands should be undertaken prior to development. Forested wetlands, and other wetlands less than 1/8 acres in size are not shown on this map. Municipalities wishing to identify and protect these other wetlands should consult other wetland data sources.
- Wetland Identification Number (ID#)** The wetland identification numbers on this township map are associated with state-wide, freshwater wetland maps prepared in 1983 by the Maine Geological Survey. Therefore, the wetland ID numbers are not in sequence.
- Wildlife Value Rating** The wetland ratings on this map are based on a wetlands inventory and assessment completed in 1972 by the Maine Department of Inland Fisheries and Wildlife. The rating is primarily associated with a wetland's value as waterfowl habitat. Other important wetland values are not included in this rating.
- Base Map** U S Geological Survey 15' and 7.5' quadrangle maps

