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## Proposed amendment to Baldwin Shoreland Zoning Ordinance

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To: "dastrock@██████████"

Mon, Aug 10, 2020 at 11:33 AM

Hi Dave,

I am writing on behalf of Longroad Energy, which is seeking to develop a commercial solar array in Baldwin on land owned by Jo Pierce. We would like the Baldwin Planning Board to review and make a recommendation to the Select Board on a proposed amendment to the town's Shoreland Zoning Ordinance.

Specifically, we are proposing an amendment to Section 10 of the Baldwin SZO, which deals with interpretation of shoreland zone boundaries. The amendment would establish a process by which the Planning Board or CEO could establish actual shoreland zone boundaries based on field data provided by a wetland scientist.

Under the current ordinance, the Planning Board and CEO do not have the authority to correct the boundaries drawn on the town's shoreland zoning map, which is based on an often inaccurate desktop approximation of the location of wetlands. Truing up wetland locations based on field data now requires a town vote. One drawback of the process under the current ordinance is that it asks the town voters to decide where the edge of a given wetland is. That is obviously not a political question that is particularly well suited for town meeting.

The benefit of the amendment is that it would promote more accurate wetland delineation in town shoreland zone permitting, rather than requiring a town vote every time a landowner or applicant proposes to correct the imprecise boundaries depicted on the town's shoreland map.

I would suggest that a good starting place for such an amendment is Section 10 of the Scarborough shoreland zoning ordinance, which is attached. This provision of the Scarborough ordinance has been reviewed and deemed acceptable by the Attorney General's Office and the DEP. As you know, amendments to the shoreland zoning ordinance need to be approved by the DEP.

Is this something that the board could take up at its meeting this Thursday the 13th? Thank you very much for your attention.

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 **Scarborough SZO Section 10(14041709.1).docx**  
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#### Section 10. Interpretation of District Boundaries

The depiction of the boundaries of the shoreland zone and of the individual shoreland districts on the Official Shoreland Zoning Map is merely illustrative of their general locations. The exact boundaries shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland. Such on-site inspection and measurement may be requested by the property owner at any time or by the applicant at the time of filing an application for a permit or approval under this Ordinance. As part of such on-site inspection and measurement, the property owner or the applicant for any permit or approval may present evidence from persons with training and/or experience relevant to the identification, delineation and classification of wetlands and/or the delineation of the high-water line or upland edge of a wetland. Such evidence shall be presented to the Code Enforcement Officer (or to the Planning Board if an application for a Planning Board permit or approval is pending) and the Code Enforcement Officer (or the Planning Board if an application for a Planning Board permit or approval is pending) shall make a determination as to the exact boundaries, subject to review by the Board of Appeals pursuant to section 16(G)(1)(a) of this Ordinance.

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines, of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.