



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
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October 18, 2016

Dylan Smith
Planning Director
Town of York
186 York Street
York, Maine 03909-1314

Dear Mr. Smith,

We are writing in response to your inquiry regarding the State's amendments to Chapter 1000, Guidelines for Municipal Shoreland Zoning Ordinances (Guidelines), and associated Town responsibilities therewith.

As you know, the Guidelines were amended through rulemaking and became effective on January 26, 2015. The Mandatory Shoreland Zoning Act (Act), 38 M.R.S.A. §§435-448, was also amended by the Legislature prior to the Department's rulemaking efforts to the Guidelines. Counter to past rulemaking actions, the Department did not establish a specific deadline for municipalities to adopt these changes within local ordinances. Rather, the Department has simply advised that the changes are mandatory for municipalities to adopt.

At some point in the future the Department expects to initiate actions to impose the changes to non-compliant municipalities in the form of a State-imposed ordinance. This means that if the Town of York fails to amend its Ordinance before that time, the Town would likely receive a State-imposed ordinance to administer and enforce separate from and in addition to the Town's current Ordinance. This scenario would be cumbersome for the Town to administer and enforce, and for landowners to comprehend. As such, we strongly encourage the Town to amend its Ordinance to be consistent with the Guidelines in the near future.

Hopefully this information will prove to be beneficial for you. Should you have any further questions, please contact me at 822-6328.

Sincerely,

Mike Morse
Assistant Shoreland Zoning Coordinator
Bureau of Land Resources

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