

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1517

H. P. 1281

House of Representatives, April 11, 1977

On motion of Mr. Green of Auburn, referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Spencer of Standish.

Cosponsor: Mr. Hobbins of Saco.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT Clarifying the Saco River Corridor Commission Statutes.

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P & SL 1973, c. 150, § 2, sub-§ 6 is repealed and the following enacted in its place:

6. **Building.** "Building" means any structure, regardless of the materials of which it is constructed, which has a roof or partial roof supported by columns or walls, used or intended to be used for the habitation, enclosure or shelter of persons or animals or to provide uses which include, but are not limited to, working, office, display, sales, storage or parking space.

Sec. 2. P & SL 1973, c. 150, § 2, sub-§ 7 is amended to read:

7. **Development.** "Development" means the carrying out of any significant earthmoving, grading, dredging, filling, building, construction or mining operation; the deposit of refuse or solid or liquid wastes on a parcel of land other than agricultural utilization of animal wastes; the making of any material change in noise levels, thermal conditions or emissions of waste material; the commencement or change in the location of advertising; or the alteration of a shore, bank or floodplain of an estuary, river or pond.

Sec. 3. P & SL 1973, c. 150, § 2, sub-§ 13 is repealed and the following enacted in its place:

13. **Mean high waterline.** "Mean high waterline" means the average high tide level.

Sec. 4. P & SL 1973, c. 150, § 2, sub-§ 14-A is enacted to read:

**14-A. Public right of way.** "Public right of way" is an improved roadway maintained for passage by motor vehicles in which the owner of fee does not control the right of passage.

Sec. 5. P & SL 1973, c. 150, § 2, sub-§ 15 is amended to read:

**15. Structure.** "Structure" means ~~anything~~ any object of a significant nature constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, ~~including, but not limited to~~ which may include but is not limited to, buildings, mobile homes, walls, fences, billboards, signs, piers and floats.

Sec. 6. P & SL 1973, c. 150, § 8, sub-§ 1, ¶ F is enacted to read:

**F.** Have authority, upon proper authorization by the applicable state agency, to exercise any other environmentally related powers and duties within the boundaries of those municipalities entitled to representation on the commission.

Sec. 7. P & SL 1973, c. 150, § 13, sub-§ 3, ¶ E, as enacted by P & SL 1973, c. 208, § 7, is amended to read:

**E.** Single family residences and accessory structures meeting all of the following ~~criteria~~ performance standards:

- (1) The minimum lot frontage on the river measured at the normal or mean high water line shall be 100 feet;
- (2) The minimum setback of any building from the river shall be 100 feet from the normal or mean high water line;
- (3) The combined river frontage and setback of any building shall be not less than 500 feet;
- (4) The structures and fill shall not encroach on the 100-year floodplain;
- (5) Where there is an accepted road or public right of way as of the effective date of this Act within 500 feet the normal or mean high water mark of the river with different land ownership on either side of the road or public right of way, the landowner on the far side of the road or public right of way from the river shall have an aggregate of setback from the river and frontage on the far side of the road or public right of way equal to 500 feet;
- (6) Where there is a recorded subdivision as of the effective date of the Act, frontage, for the purposes of determining compliance with this section, shall mean lot frontage on the side of the lot nearest to and most nearly parallel to the river;
- (7) Where a landowner, as of the effective date of the Act, owns a lot abutting land owned by a public utility, and such public utility land lies between the abutting landowners lot and the river, frontage, for the purpose of determining compliance with this section, shall mean the frontage on the side of the lot abutting such public utility land which is nearest to and most nearly parallel to the river.

**Sec. 8. P & SL 1973, c. 150, § 16, 3rd ¶,** as enacted by P & SL 1973, c. 208, § 7, is amended to read:

If 2 or more contiguous lots or portions thereof are in single ownership ~~at~~ **on or after** the effective date of, or amendment of, this Act, and if all or part of the lots do not meet the criteria of lot width, area, frontage or other measure required under this Act, or if a building thereon could not meet the aggregate requirements established by this Act, the lots involved shall be considered to be one parcel for the purposes of this Act.

**Sec. 9. P & SL 1973, c. 150, § 26, last ¶, 3rd sentence,** as enacted by P & SL 1973, c. 208, § 7, is amended to read:

The owner of a building lot of record **which is wholly** within the corridor on the effective date of this Act shall be entitled to a variance for a single family residence which may be granted by the commission without public hearing.

**Sec. 10. P & SL 1973, c. 150, § 27, last ¶, 1st sentence,** as enacted by P & SL 1973, c. 208, § 7, is amended to read:

The owner of a building lot of record **which is wholly** within the corridor on the effective date of this Act shall be entitled to a variance for a single family residence which may be granted by the commission without public hearing.

**Sec. 11. P & SL 1973, c. 150, § 28, 2nd ¶, 1st sentence,** as enacted by P & SL 1973, c. 208, § 7, is further amended to read:

A certificate of compliance may contain such reasonable terms and conditions as the commission finds necessary to avoid the dangers enumerated in section ~~15~~ 18.

#### STATEMENT OF FACT

This bill clarifies the "Act to establish the Saco River Corridor" by:

1. Clarifying the definition of terms and thereby eliminating ambiguities which presently require permits for the erection of such insignificant structures as mailboxes, flagpoles, etc.
2. Clarifying the criteria for granting permits for single family residences in the limited residential district in situations which are presently unanticipated by the Act; and
3. Correcting inadvertent grammatical and numbering errors in the Act.