

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 307

S.P. 122

In Senate, February 10, 2015

**An Act To Amend the Shoreland Zoning Laws To Exempt Certain
Walkways and Trails from Setback Requirements**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DUTREMBLE of York.
Cosponsored by Representative FECTEAU of Biddeford and
Senators: PATRICK of Oxford, VALENTINO of York, Representatives: CHENETTE of Saco,
GROHMAN of Biddeford, HOBBS of Saco, SEAVEY of Kennebunkport.

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

2 **Sec. 1. 38 MRSA §439-A, sub-§4-C** is enacted to read:

3 **4-C. Exemption from setback requirements for walkways and trails within a**
4 **downtown revitalization project.** In accordance with the provisions of this subsection,
5 a municipality may adopt an ordinance that exempts pedestrian walkways and trails from
6 the water and wetland setback requirements otherwise applicable under this section.

7 A. Notwithstanding subsection 4, a municipality may adopt an ordinance pursuant to
8 this subsection that exempts a pedestrian walkway or trail from the otherwise
9 applicable water or wetland setbacks if the following requirements are met:

10 (1) The walkway or trail is adjacent to a segment of a river that is located within
11 the boundaries of a downtown revitalization project;

12 (2) If cantilevered over a segment of river, the walkway or trail does not extend
13 over the river more than 10 feet from the normal high-water line;

14 (3) If cantilevered over a segment of river, the walkway or trail is attached to a
15 structure that was constructed prior to 1971 and is located within a downtown
16 revitalization project;

17 (4) If the walkway or trail is cantilevered over a segment of river, the municipal
18 planning board has determined there is no other practical means to construct the
19 walkway or trail without cantilevering over that segment of the river. If there are
20 no other practical means to construct the walkway or trail, approaches to the
21 cantilevered walkway or trail may also cantilever off adjacent retaining walls but
22 no more than is necessary to access the cantilevered walkway or trail; and

23 (5) The walkway or trail is publicly owned and maintained as evidenced by a
24 legally recorded deed or easement.

25 B. A downtown revitalization project under this subsection must be defined in a
26 project plan approved by the legislative body of the municipality and may include the
27 revitalization of buildings formerly used as mills that do not meet the water or
28 wetland setback requirements in subsection 4.

29 C. Except for the water and wetland setback requirements in subsection 4, a
30 walkway or trail that meets the requirements of this subsection must meet all other
31 state and local permit requirements and comply with all other applicable rules.

32 **SUMMARY**

33 This bill exempts the construction of a walkway or trail from certain water and
34 wetland setback requirements if the walkway or trail will be adjacent to a segment of a
35 river located within a downtown revitalization project and the walkway or trail meets
36 other specified requirements.