

The background features abstract, overlapping green geometric shapes in various shades, creating a modern and dynamic visual effect. The shapes are primarily triangular and polygonal, with some areas appearing more translucent than others.

Shoreland Zoning Amendments

March 2024

Land Use Map

- ▶ Shoreland Zoning - Required by State Law
- ▶ Resource Protection (RP) District
 - ▶ Chapter 185 Section 185-13
 - ▶ 250 Feet - Wetlands rated “moderate” or “high” values waterfowl and wading bird habitat by Maine Inland Fisheries & Wildlife

[← Town of Windham, ME / The Code](#)[→](#)
[Chapter 185 Shoreland Zoning](#)

☐ § 185-12 Nonconformance.

☐ § 185-13 Establishment of districts.

A. Resource Protection District. The Resource Protection District includes areas in which development could adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the General Development District need not be included within the Resource Protection District:

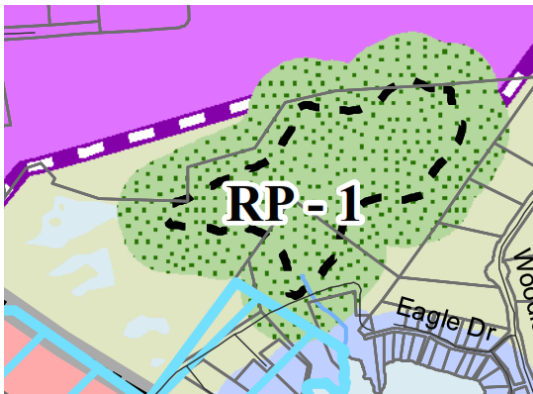
(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Maine Department of Environmental Protection as of May 1, 2006. For the purposes of this subsection, “wetlands associated with great ponds and rivers” shall mean areas characterized by nonforested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Land Use Map Amendment

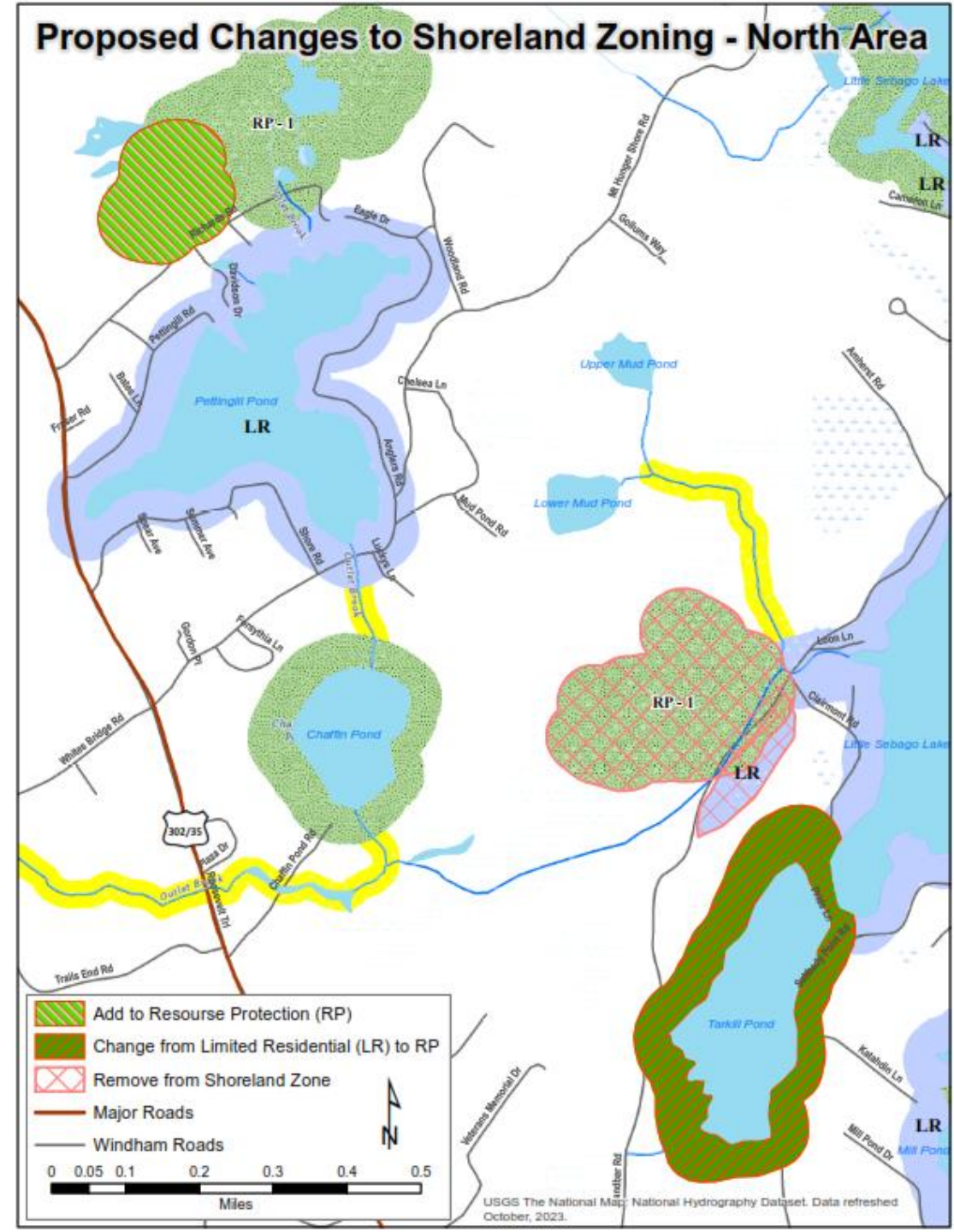
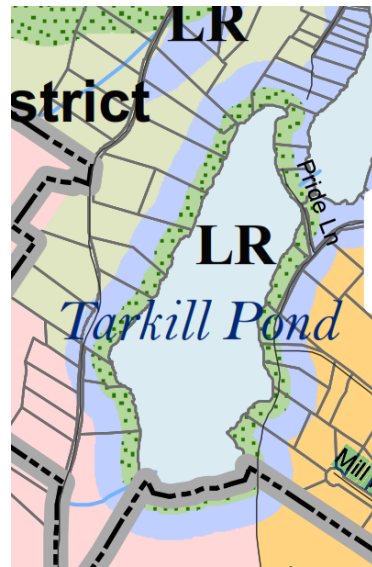
- ▶ Shoreland Zoning Last Amended October 12, 2021
 - ▶ Used IWWH from 2008
- ▶ Following site visits, IF&W updated IWWH in 2018
 - ▶ 2 wetlands no longer meet the criteria for shoreland zoning
 - ▶ Adjacent to Sandbar Road
 - ▶ Between Land of Nod/Pope/Route 302
 - ▶ 2 wetlands must be zoned RP
 - ▶ Adjacent to Richards Road
 - ▶ Tarkill Pond (currently 100ft zone RP, 150ft zone LR)

North Area

- ▶ Remove from Shoreland Zone
 - ▶ Adjacent to Sandbar Road (RP & LR)
 - ▶ Rezoned to Farm (F) (13 parcels)
- ▶ Add to RP
 - ▶ Adjacent to Richards Road (7 parcels)
- ▶ Expand RP from 100ft to 250 ft
 - ▶ Tarkill Pond (34 parcels)

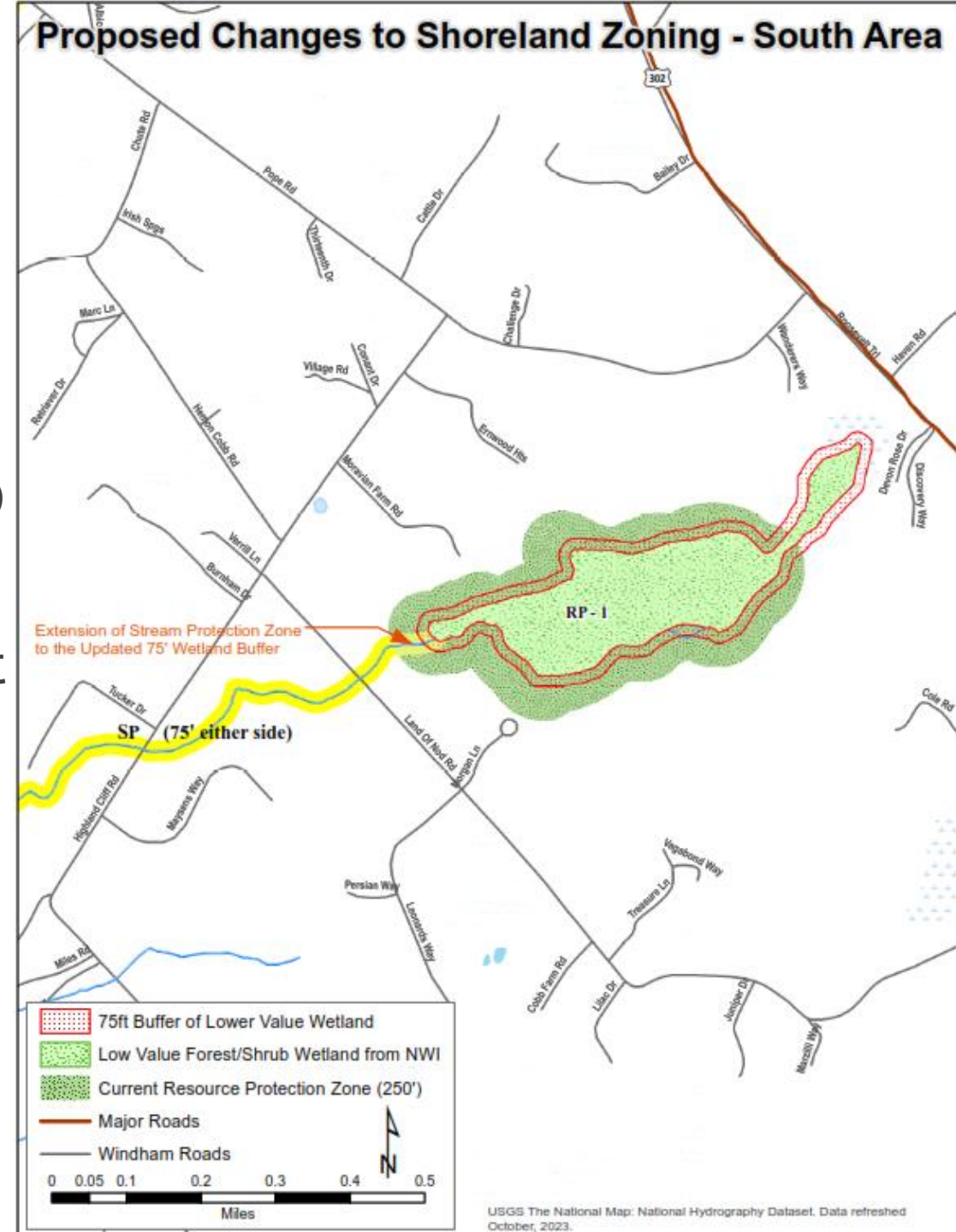
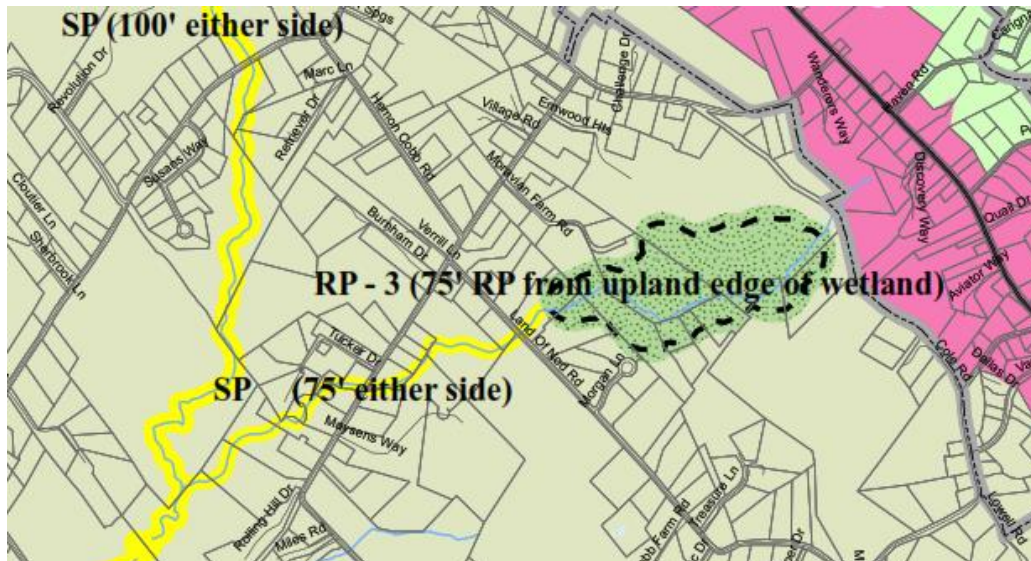


Existing Zoning



South Area

- ▶ No longer IWWH, SLZ not required
- ▶ Reduce RP to 75 feet
 - ▶ Between Land of Nod/Pope/Route 302 (13 parcels)
- ▶ October 12, 2021 added 250 ft IWWH
- ▶ Zoning to return to pre-2021 Amendment



Resource Protection District

- ▶ Most Restrictive Shoreland Zone (setbacks & uses)
- ▶ Where rezoning creates nonconforming use/structure, Shoreland Zoning Ordinance allows for:
 - ▶ Repair and maintenance
 - ▶ Reconstruction or replacement
 - ▶ Expansion
- ▶ Special Exception for Single-Family Dwelling on vacant lots zoned RP - Requires Planning Board approval (§ 185-16G)

Shoreland Zoning Ordinance Amendment

- ▶ To comply with 2019 State Law Change 38 MRSS 439-A(10)
- ▶ Amendment to Section 185-16C Administration
- ▶ Applicant for a permit for development shall provide photographic of shoreline vegetation & the site of proposed development:
 - ▶ Preconstruction with application
 - ▶ No later than 20 days after completion of the development

Amendment Process

- ▶ Planning Board public hearing/recommendation - March 11
- ▶ Town Council public hearing/vote - March 26
- ▶ Amendments Effective:
 - ▶ 30 days following Town Council approval AND
 - ▶ Approval of Commissioner of the DEP