



Town of Lubec
40 School St.
Lubec, ME 04652
(207) 733-2341

West Quoddy Head Light
The Most Easterly Point in the United States

SHORELAND ZONING GUIDELINES

The Town of Lubec Shoreland Zoning Ordinances are tailored primarily to protect the environment and preserve water quality along our town's ninety two miles of coastland, the most coastline of any town in the state. The ordinance also addresses stream protection measures, management of wetlands, and coastal access issues.

Pursuant to Maine State mandate, Lubec adopted a Shoreland Zoning Ordinance in December of 1991. This Ordinance regulates all areas within 250 feet (*measured on a horizontal plane*) of the normal high-water line of any saltwater body, or the upland edge of a coastal or freshwater wetland, and all areas within 75 feet of the normal high-water line of any stream. *This total area comprises the "Shoreland Zone" in Lubec.* The Shoreland Zone can be broken down into several distinct *zoning districts*. Each district is outlined both through text within the Ordinance and on the official map hanging at the Lubec town office. Allowable uses and permit requirements vary among the zoning districts.

General Development (GD) - This district is devoted to a mix of commercial, industrial, and recreational activities. Residential uses are allowable as well. The required set-back from normal high water in the GD district is 25 feet.

Limited Commercial (LC) - This district includes mixed light commercial and residential uses. Industrial uses are prohibited. The required set-back here is 75 feet.

Limited Residential (LR) - This district includes areas that are suitable for residential and recreational development. The required set-back from normal high water in the LR district is 75 feet.

Resource Protection (RP) - This district includes areas in which development would adversely affect water quality, productive habitat, etc. Severely limited residential and recreational uses may be allowable upon review.

Stream Protection (SP) - This district includes all areas within 75 ft of the normal high water line of a stream. A stream is depicted as a solid blue line on a USGS map (7.5 min series). Some recreational activities are permissible in this district.

All other properties within the boundaries of Lubec, but outside of the Shoreland Zone are not subject to Lubec Shoreland Zoning Ordinances. In these areas a building permit application need not be filed with Lubec. There may however be Maine state or Federal permits required prior to undertaking any activity. *Research beforehand to avoid potential fines, penalties, and/or lost work time.*

To help landowners, both current and prospective, Lubec has appointed a local code enforcement officer (CEO). The CEO is available to help interpret local and state laws and guide applicants through the permitting process. Upon considering any land acquisition, building project, or property related issue, do not hesitate to utilize this resource.

The process for obtaining a Building Permit is not difficult. An application can be obtained by either picking one up at the town office, or by calling the town office to requesting that one be sent via the mail. Generally speaking, permits requiring only CEO approval take about a week to review. All other permits must be presented to the Lubec Planning Board for review. This Board is charged with upholding local, state, and federal law. They also strive to make decisions based on the ideals laid out in Lubec's Comprehensive plan (*available to review at town office*). They meet once a month.

Some important points pertaining to all lands within the Shoreland Zone ...

There is a **Minimum lot size** requirement for all newly-created lots.

Residential: 30,000 sq ft adjacent to tidal areas / 40,000 sq ft adjacent to non-tidal areas

Commercial: 40,000 sq ft adjacent to tidal areas / 60,000 sq ft adjacent to non-tidal areas

Newly-created lots in the Shoreland zone must also have adequate **Shore frontage**.

Residential: 150 feet wide, measured from pin-to-pin

Commercial: 200 feet wide, measured pin-to-pin

** this width must be maintained at least 100 feet back into the property **

Maximum Height of structures: 35 feet (*The GD district has no height restriction*)

Non-conforming Structures and Uses: These are structures and/or uses in existence before Lubec enacted a Shoreland Zoning ordinance, which do not meet the current standards of the ordinance. Most often the non-conforming element is insufficient setback, lot size, or shore frontage. There are specific rules governing these special circumstances. When planning to change property or building dimensions you should first fully understand this section of the ordinance.

Clearing of Vegetation / Tree Cutting: Shrubs, trees, and other woody vegetation within the Shoreland zone of Lubec are vital for controlling erosion. They act as barriers to wind *and* tide, provide essential habitat, and help preserve the natural beauty we are accustomed to. There are accepted practices and rules regarding the clearing of vegetation and the removal of trees within the Shoreland zone. Please call or investigate before beginning any project of this nature, *especially on those land areas within 75 feet of the normal high-water mark, a stream, or wetland.*

Generally speaking, a **Subdivision** is the *division of a parcel of land into three or more lots within any five year period.* These situations must be presented for approval to the Lubec Planning Board. One looking to create a new subdivision must follow specific guidelines and file a separate application to achieve this. The process can take a fair amount of time as multiple permits may be required from various agencies. Prior planning is strongly recommended. (*The town office has the guidelines, pertinent ordinances, and applications available.*)

Anyone proposing a new entrance (driveway, access road, etc.) onto a state road must first file for a **Driveway/Entrance permit** with the MDOT. This permit is required before any Local permits may be issued. The CEO can help with this, or go to www.mainedot.gov

Copies of the Lubec Shoreland Zoning ordinance and Lubec Tax maps are available for sale, or review at the town office. We can also help point you in the right direction when searching for professionals to assist you at any stage of your construction project. Thanks in advance for your commitment to keeping Lubec beautiful.



Town of Lubec
 40 School Street
 Lubec, ME 04652
 (207) 753-2341

Application for Shoreland Zoning Building Permit

Name of applicant(s): _____

Mailing address: _____

Telephone: _____ Alternate # _____

Owner of property: _____

Telephone: _____ Alternate # _____

Physical address of property: _____

Lubec Tax Map _____ **Lot #** _____

Shoreland Zoning District: RP SP LR LC GD

Property description:

Total acreage of parcel: _____ or Lot dimensions (feet): _____

Portion to be developed (*includes all non-vegetated surfaces*): _____

Water frontage of parcel: _____ Road frontage: _____

Is any portion of this property in the *Floodplain*? Yes No Unsure

Does the property contain *fresh or saltwater wetlands*? Yes No Unsure

Is there planned development for these areas? Yes No Unsure

Is there a *residence* currently on the property? Yes No

Year-round Seasonal Rental

Are *commercial operations* conducted on the property? Yes No

Accessory structures or outbuildings? Yes No

Is there currently an access road to this property? Yes No

Is there currently electrical service on this lot? Yes No

Is there currently a water hookup on this lot? Yes No

Does the lot have an approved septic system in place? Yes No Unsure

What is the current / existing use of the property? _____

Project description:

Type of improvement: structural non-structural

Please check *all* activities below for which you are seeking approval.

- residence
- accessory building
- commercial use
- driveway
- well
- campsite
- installation or connection to public utilities
- other – please elaborate below
- addition to existing structure(s)
- pier or dock (temporary permanent)
- deck
- private septic system – attach completed HHE-200
- clearing for approved construction
- filling, grading, or other earth-moving activity

Is this property part of a subdivision? Yes No Unsure
 Is this request part of a bigger project? Yes No Unsure

Please give a brief description of the proposed construction, demolition, and land clearing activities associated with this project.

Who will be performing this work?

Lot Clearing: _____ Phone # _____

Excavation: _____ CERT# _____ Phone # _____

Building: _____ Phone # _____

Septic: _____ Phone # _____

Final Landscaping: _____ Phone # _____

Estimated start date of proposed project? _____

Project completion date: _____

Estimated total cost of project? \$ _____

Proposed building dimensions:

Max Width: _____ Max Length: _____ Max Height: _____

of Stories: _____ Basement? Full Crawl None

Square Footage of current structure: _____

Additional Square Footage from new construction: _____

Must include contractor's state certification in Erosion Control Practices. If certification is not included, application will be denied.

To your knowledge, are there any buildings, structures, parts of premises, land or parts thereof, which are not permitted in the Shoreland district under current regulations, but which exist because it was lawful prior to December 30, 1991 ? Yes No Unsure

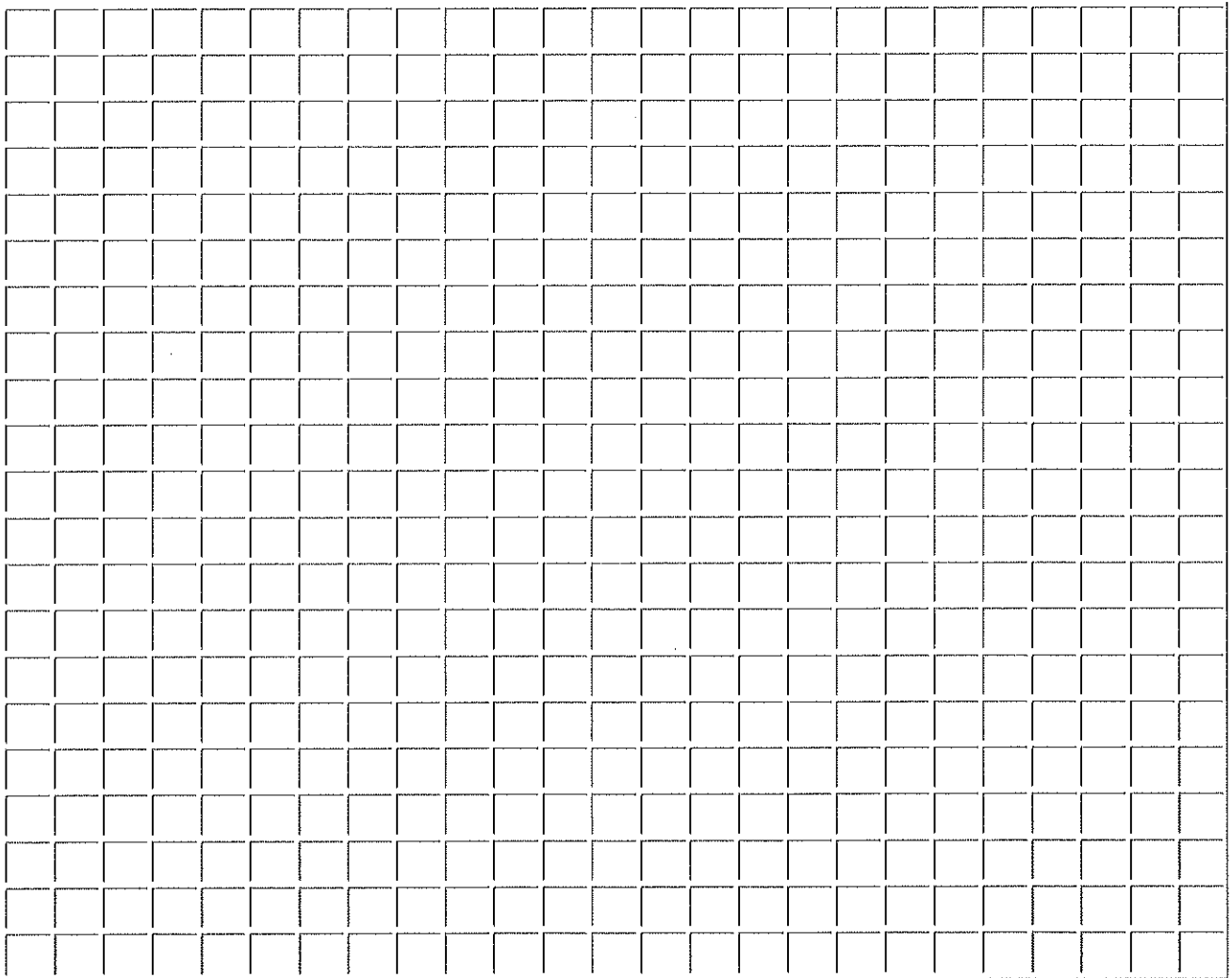
If Yes, please describe: _____

Site Plan: *Please include...*

lot lines; area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and out buildings with accurate setback distances from the shoreline, side and rear property lines; the location of proposed wells, septic systems, and driveways; and areas and amounts to be filled or graded.

If the proposal is for the expansion of an existing structure, *please distinguish between the existing structure and the proposed expansion.*

North



SCALE: _____ = _____ FT.

**ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED
and APPLICANT'S SIGNATURE**

NOTE: Listed below are some of the most common permits *that may be necessary* depending on the project and location. Before development of any kind, applicant is advised to consult with the code enforcement officer and appropriate state and federal agencies to determine whether additional permits, approvals, and/or reviews, if any, are required.

- PLANNING BOARD REVIEW/APPROVAL (e.g. Subdivision, Site Plan Review)
- BOARD OF APPEALS REVIEW/APPROVAL
- FLOOD HAZARD DEVELOPMENT PERMIT (check FEMA floodplain maps for Lubec)
- EXTERIOR PLUMBING PERMIT (Septic – Need approved HHE 200 Application Form)
- INTERIOR PLUMBING PERMIT (Required for all new installations and replacements)
- DEP PERMIT (Site Location, Natural Resources Protection Act, Permit by Rule)
- ARMY CORPS OF ENGINEERS PERMIT (for work performed below High water mark)
- OTHERS: _____

NOTE: In addition to the information provided on this form, the applicant is required to submit, in writing, a detailed plan for erosion and sedimentation control both during and after construction phases. Please attach this plan to your completed application. Your contractor or the CEO can assist you with this.

I CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS ACCURATE. ALL PROPOSED USES SHALL BE IN CONFORMANCE WITH THIS APPLICATION AND THE SHORELAND ZONING ORDINANCE. I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS. (must be signed in order to be considered)

APPLICANT'S SIGNATURE

AGENT'S SIGNATURE (if applicable)

DATE

DATE

The fee for a Shoreland zoning permit in the Town of Lubec is currently **\$ 20.00**
This fee is non-refundable and must be remitted before a decision can be made on this permit.
Cash is acceptable and checks should be made to the **TOWN OF LUBEC.**

For municipal use only:

Application # _____

Date Received: _____

Fee Paid: \$ _____

Paid by: _____

Action Taken: Approved Denied Approved with conditions

Date of action: _____

Reviewed by: _____

APPROVAL OR DENIAL OF APPLICATION # _____
(For Office Use Only)

MAP _____ LOT # _____

THIS APPLICATION IS: ___ APPROVED ___ DENIED

IF DENIED, REASON FOR DENIAL:

IF APPROVED, THE FOLLOWING CONDITIONS ARE PRESCRIBED:

USE OF DEP CERTIFIED PERSON "ON SITE" TO ENSURE "EXCAVATION" MEETS DEP SHORELAND ZONE REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL PRACTICES.

NOTE: IN APPROVING A SHORELAND ZONING PERMIT, THE PROPOSED USE SHALL COMPLY WITH THE PURPOSES AND REQUIREMENTS OF THE SHORELAND ZONING ORDINANCE FOR THE TOWN OF LUBEC.

CODE ENFORCEMENT OFFICER

DATE

INSPECTION CHECK LIST

- Prior to Clearing and Excavation
- Prior to Foundation Pour
- Prior to Final Landscaping
- Prior to Occupancy