

# Maine Land Use Planning Commission

Department of Agriculture, Conservation and Forestry



## **BASIS STATEMENT AND SUMMARY OF COMMENTS FOR AMENDMENT OF CHAPTER 2 – DEFINITIONS, AND CHAPTER 10 – LAND USE DISTRICTS AND STANDARDS**

Adopted July 12, 2023

### **STATUTORY AUTHORITY**

12 M.R.S. §§ 685-A(3); 685-A(7-A); and 685-C(5)

### **FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT**

Revisions to Chapter 2 clarify which factors are considered when contemplating the compatibility of a use, to match the approach used in companion definitions but not change outcomes, add a term and related definition for consistency with the Maine Department of Environmental Protection, and achieve several clerical edits and clarifications.

Revisions to Chapter 10 include updates to terms and township names to maintain consistency with Maine laws, updates to match revised statutory language, the removal of an automatic hearing requirement for zoning petitions involving a D-PD subdistrict, the addition of parking space requirements for non-residential development, clerical edits and clarifications, and the removal of Appendix E. Removal of the automatic hearing requirement for rezoning to a D-PD subdistrict is based on experience in applying the Commission's rules. Hearings for certain small proposals for and amendments to existing D-PD subdistricts have not involved complex technical issues and have not been particularly helpful to the Commission in deciding on the proposals. This change does not prevent any interested party from requesting or the Commission from deciding to hold a hearing for these types of rezoning requests. The list of adopted FEMA maps in Chapter 10's Appendix E was included for reader convenience. However, requiring a rulemaking process to adopt changes has delayed updates to the list. The list currently included in Appendix E will be maintained and posted on the LUPC's website as a stand-alone document.

All revisions are routine in nature. Revisions to Chapter 10 also incorporate by reference the [2010 Americans with Disabilities Act \(ADA\) Standards for Accessible Design](#). U.S. Department of Justice.

(September 15, 2010) *[Note: this document will be attached when submitting materials to the Secretary of State's office.]*

### **PUBLIC NOTICE OF RULEMAKING**

At a meeting held on March 8, 2023, staff presented to the Commission the draft rule revisions and requested to post the revisions to public comment. The Commission voted to post the revisions to public comment with a 30-day public comment period.

Notice of the rulemaking was provided in the Secretary of State's consolidated rulemaking notice on March 29, 2023. In addition to the legal notice, the Commission posted notice by email through the State's GovDelivery system to all individuals wishing to be contacted regarding any proposed rule changes. Notice of the proposed revisions was also posted on the agency's rulemaking webpage.

The record remained open until May 1, 2023, to allow interested persons to file written statements with the Commission and for an additional 7 days until May 8, 2023, to allow interested persons to file written rebuttal comments.

### **COMMENTS AND RESPONSES**

No comments were submitted.