

LAND USE PLANNING COMMISSION



- *Agency Overview, Roles and Responsibilities*
- *Information Relevant to Real Estate Transactions in the LUPC Service Area*

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About the LUPC

Part of the Bureau of
Resource Information and
Land Use Planning with
the Maine Department of
Agriculture, Conservation,
and Forestry

Legislature created the Commission in 1971 to extend principles of sound planning, zoning and development to the unorganized and deorganized areas of the State

More than 10.4 million acres in our service area

Largest contiguous undeveloped area in the northeast

In areas with no local government or municipalities that have chosen not to administer land use controls

Commission Organization

COMMISSIONERS

A 9-member board with both county and gubernatorial appointees

COMMISSION STAFF

PLANNING DIVISION

PERMITTING AND COMPLIANCE DIVISION

Service Area

5 Regional Offices

Western Region (Wilton)

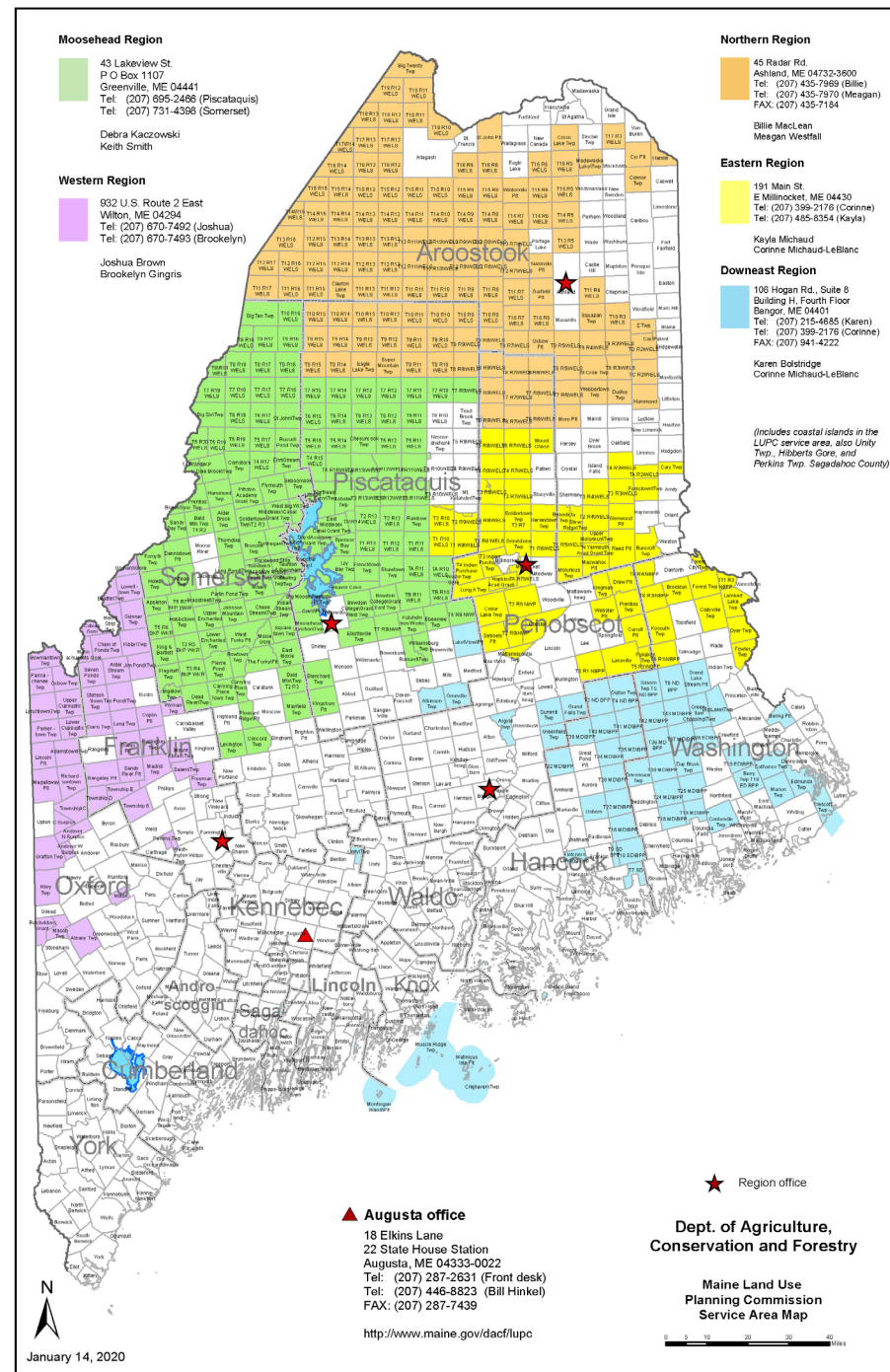
Moosehead Region
(Greenville)

Northern Region (Ashland)

Eastern Region (East
Millinocket)

Downeast Region (Bangor)

Main office in Augusta



Decisions and Activities Guided by:

12 M.R.S. Chapter 206-A

Sets forth the statutory purpose and provides guidance on the structure and function of the Commission

Comprehensive Land Use Plan (CLUP)

Identifies goals, policies, and strategies to achieve the statutory purpose

LUPC Rules – Chapter 10 is Land Use Districts and Standards

Implementation of the goals and strategies identified in the statute and the CLUP

Land Use Districts and Standards

Principal rule: Chapter 10, Land Use
Districts and Standards

Establishes zoning districts and land
use standards

Provides the functions of a municipal
ordinance, shoreland zoning, and
NRPA

Land Use Zoning Districts

It's all about **WHERE** the
property is – the
subdistrict dictates the
uses that are allowed!

Subdistrict Types

- Management
- Protection
- Development

Categories of uses (or activities)

- allowed without a permit
- allowed without a permit subject to standards
- require a permit
- uses allowed with a permit by special exception
- prohibited

Land Use Standards

General Criteria for Approval - statutory criteria that must be met

Development Standards - specific performance and design standards e.g., subdivisions, noise and lighting, phosphorous control

Dimensional Requirements - minimum lot size and setback standards

Activity-Specific Standards - minimum design specifications for particular activities e.g., filling and grading, vegetation clearing

Land Use Standards

To dive a little deeper with an example:

Hillside Standards – apply to any development located on a hillside

What is a hillside? An area of two or more contiguous acres having a sustained slope of 15 percent or greater.

What Standards Apply? Stormwater management, ridgeline protection, vegetative clearing, structural development, construction materials, linear development (*roads, driveways, etc.*), and lighting.

Information Relevant to Real Estate Transactions

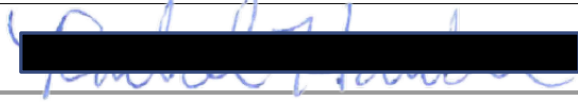
Permits are Required!

(for most development activities)

BUILDING PERMIT BP-17014

MAINE LAND USE PLANNING COMMISSION
Department of Agriculture, Conservation and Forestry

Based on the information you have submitted in the attached application and supporting documents, the staff of the Land Use Planning Commission concludes that, if carried out in compliance with the conditions of approval below, your proposal will meet the criteria for approval, 12 M.R.S.A. §685-B(4) of the Commission's statutes and the provisions of the Commission's *Land Use Districts and Standards*. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

 _____ LUPC Authorized Signature	<u>06/15/2022</u> _____ Effective Date
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CONDITIONS OF APPROVAL

General Conditions

1. **At least one week prior to commencing the permitted activities**, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If you leave or send a message, please include your full name, telephone number, permit number and the date the work will start

It is not the wild, wild, west!

Information Available on the LUPC Website

LUPC Zoning and Parcel Viewer



Brochures - [LUPC Reports \(maine.gov\)](http://maine.gov)

- Buying or selling property?
- About Your LUPC Permit
- About Your Accessory Structure
- Building or expanding a new house or camp?
- Vegetation Clearing
- Filling or grading on your lot?

The information your clients need is online! Or the regional LUPC staff person would be happy to answer questions!

About Us
Public Meetings
Featured Projects
Reports and Publications
Application Forms
Laws and Rules
Plans, Maps, and Data
Comprehensive Land Use Plan
Zoning Maps
Contact Us

Land Use Planning Commission

LUPC Application Forms

Last Updated: May 25, 2022

The table below contains PDF links to the application forms (8.5 x11) within the Commission's service area. The application forms below can be downloaded and are also available from the Commission [office in Augusta](#)

The [LUPC regional contact list](#) provides staff contact information for all 5 regional offices and the Augusta office.

IMPORTANT NOTE: Documents are provided in PDF format. To view PDF documents, you will need the free [Adobe Reader](#).

Category	Application Form Name	Description
Zoning	Application for Zone Change	Used for anyone seeking to change the existing land use district or district boundary (zoning) to a different land use district or district boundary on any parcel of land within the jurisdiction of the LUPC
Boat Launch	Boat Launch Notification of Intent	Used for landowners that intend to construct a new, or replace an existing, trailered ramp or hand-carry launch, where such projects are allowed without a permit subject to standards
Residential Development	Building Permit	Used to apply for a LUPC permit approval for all residential development
Residential Development	Building Permit Brassua Lake Concept Plan	Used for residential development within the Brassua Lake Concept Plan

Permits run
with the
property – and
so do violations!

It is always wise to call the LUPC regional staff to ask about a property well before a closing date.

Please allow time for our staff to respond!

This is beautiful, right?

Unless it was built
before 1971, this
house cannot be
legally built in the
LUPC Service Area!



Creates major impacts
to water quality over
time – among other
impacts!

Source: https://houseplansandmore.com/resource_center/lake-home-maintenance.aspx



12-17 12-16 12-15 12-13 P-GP: Great Pond

1 Feet (US) ▾

Measurement Result

130.3 Feet (US)

Clear

This is an example of a subdivision approved by the Commission - Note setback and buffer!

Make sure your clients know that there are limits for how and where they can build, cut trees, and remove vegetation!

More about violations...

Most Common Violations - Enforcement data from the last 10 years:

#1 - Residential Accessory Structures (196)

- Decks
- Sheds *Size and setback*
- Garages *violations, mostly...*
- Porches

#2 - Additions/Expansions (75)

- Deck/porch expansions
- Dwelling expansions/additions

Tied for #3- Vegetation Clearing (51) and Filling & Grading (58)

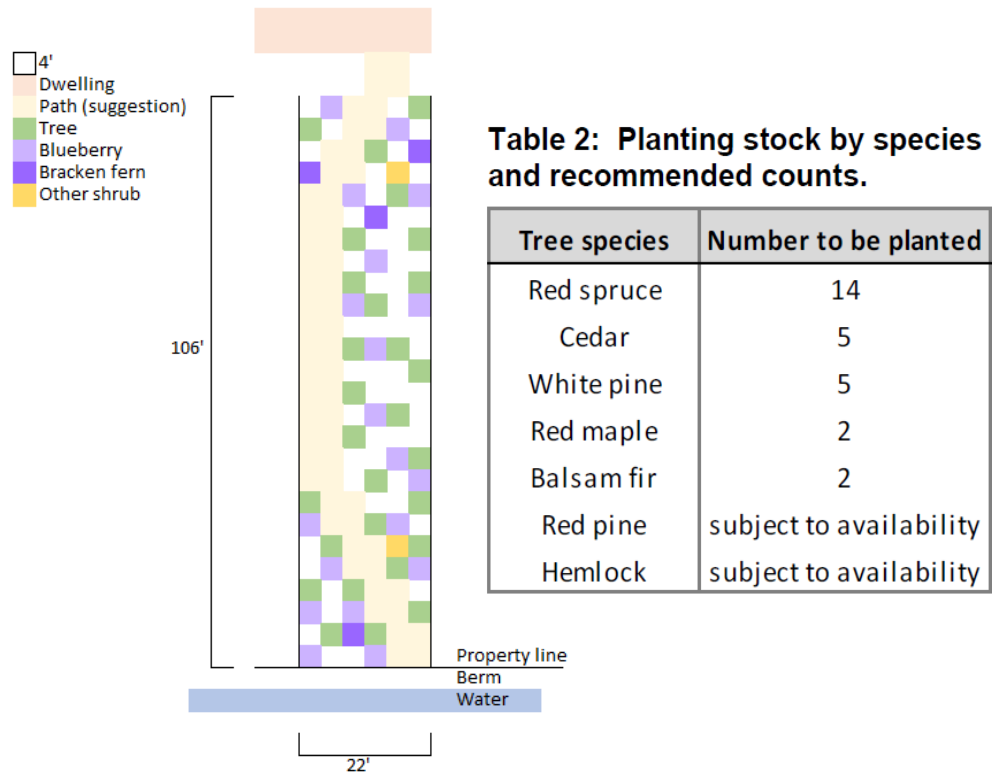
- About half of these are associated with a lake, pond, or stream

Please make sure your clients know to contact regional staff when planning a project!

Unauthorized Boat Ramp



Revegetation Plan and Implementation



The property owner had to hire a professional forester to create a replanting plan.



Help your client be pro-active!

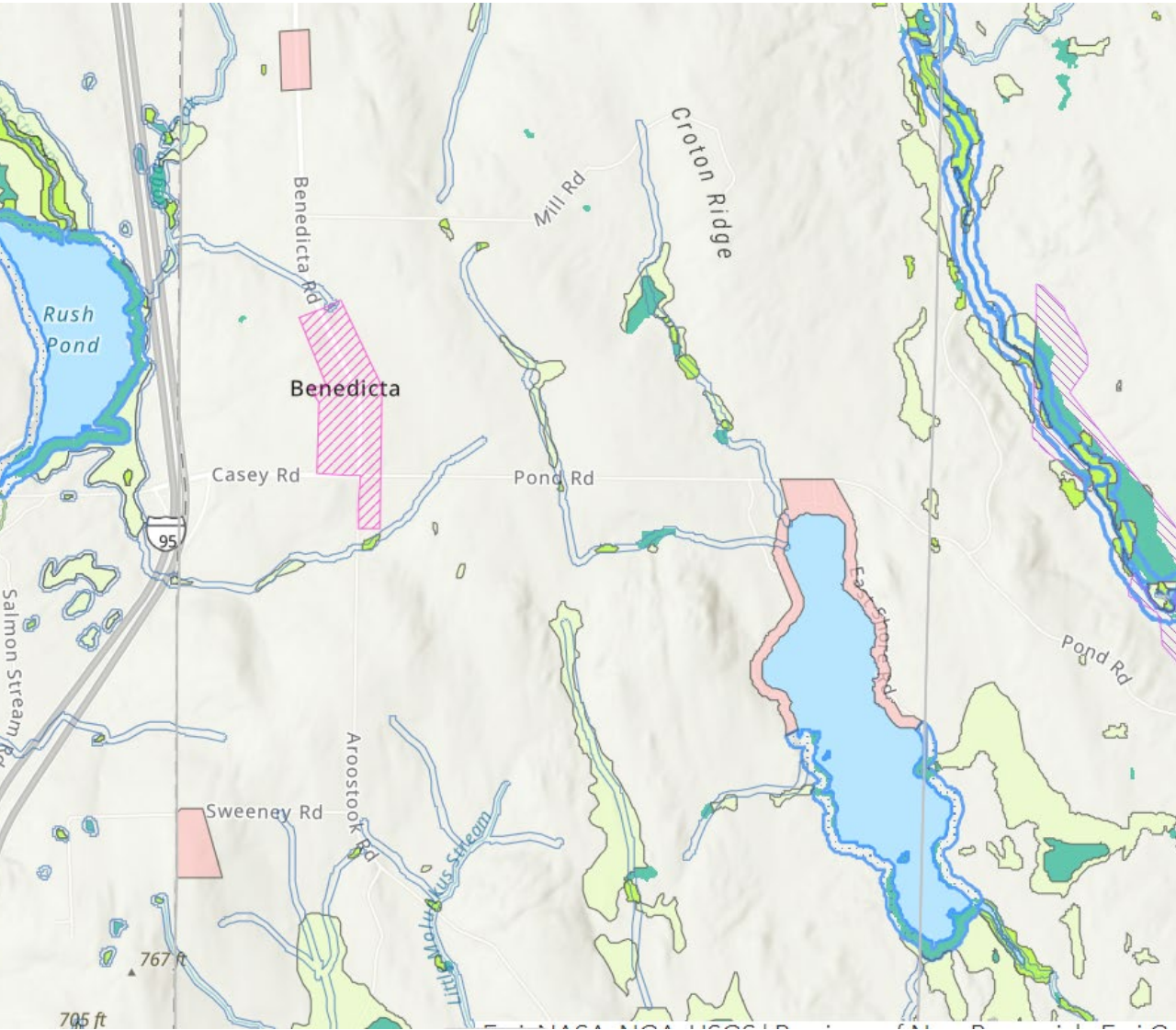
Having the information needed up front can help new property owners avoid making costly mistakes as they enjoy their new property.

Check for the permitting history on a property to see what has been permitted and if there are any outstanding compliance issues

- Is the property part of a subdivision? Make sure the lot is a legally existing lot!
- Are the structures legally existing?
- What zone is it in and what uses are allowed there?
- Does the property have deeded access?

Help your client be pro-active!

- What does your client want to do with the property? Is it an allowed use? If not, is the property eligible for rezoning?
- Connect them with the LUPC staff and website before they purchase.
- If there is a compliance or enforcement issue, staff can work with the seller to make sure it is dealt with before the transfer!



Wrap Up

Discussion or questions about the
LUPC or its processes?

Thank you very much for your time today!

