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TESTIMONY OF
MARK STEBBINS, FIELD SERVICES DIRECTOR, BUREAU OF LAND RESOURCES
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 1143

AN ACT TO UPDATE LANGUAGE ON SETBACK VARIANCES FOR SINGLE-FAMILY DWELLINGS AND VARIANCES FROM DIMENSIONAL STANDARDS

PRESENTED BY SEN. LIBBY

**BEFORE THE JOINT STANDING COMMITTEE
ON
HOUSING AND ECONOMIC DEVELOPMENT**

DATE OF HEARING:

APRIL 15, 2025

Senator Curry, Representative Gere, and members of the Committee on Housing and Economic Development, my name is Mark Stebbins and I am the Field Services Director for the Bureau of Land Resources at the Department of Environmental Protection (DEP). I am speaking in opposition to L.D. 1143.

The DEP is concerned about section 2 of the bill. Section 2 would allow for more variances from dimensional requirements in the shoreland zone, which will weaken the shoreline and water quality protections afforded by the Mandatory Shoreland Zoning Act. While shoreland zoning ordinances are administered by municipalities, the DEP's

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role is to oversee the implementation of the Act to ensure ordinances are properly administered and enforced and that the purposes of the Act are upheld.

Currently, a municipality may grant a variance from the dimensional requirements of its shoreland zoning ordinance—such as lot width, lot coverage, structure height, and structure setback requirements—only when the strict application of the ordinance would result in “undue hardship” for the property owner. Undue hardship is a high bar; a finding of undue hardship generally requires the petitioner to demonstrate that, without a variance, the land cannot be put to any beneficial use.

Section 2 of LD 1143 would lower this bar for a property in the shoreland zone if any portion of the property is located outside of the shoreland zone. If any portion of the property is outside of the shoreland zone, the bill would allow a municipality to grant a variance if the petitioner demonstrates that strict application of the ordinance would cause a “practical difficulty” for the petitioner. For example, on a lakefront lot that is 300 feet deep—with most of the lot inside the 250-foot shoreland zone, but a portion outside of the shoreland zone—a property owner who is seeking a variance from dimensional standards today would need to prove they would suffer undue hardship without a variance. Under LD 1143, the property owner would only need to show that the strict application of the ordinance would cause practical difficulty.

The likely result of this change is that more shorefront property owners will be successful in attaining variances from dimensional requirements in the shoreland zone, leading to changes to the character of the shoreland zone that are inconsistent with the purposes of the Shoreland Zoning Act.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.