

To: Maine's State and Local Government Committee
From: Margaret Cardoza
Date: Feb. 11, 2024
Re: LD 2101: An Act to Strengthen Shoreland Zoning Enforcement

Dear: Senator Nangle, Representative Stover, Members of the Committee on State and Local Government.

This is truly an emergency bill. I am impressed to see we have ten (10) sponsors from all parts of the state for this bill. I am a resident of Portland, Maine and pay taxes for my camp in Windham, Maine.

I was trained by Lake Stewards of Maine as a Volunteer lake monitor. I am a member of our Collins Pond Association, a road association and Maine Alliance for Road Associations (MARA) but for this testimony I do NOT speak on these associations' behalf.

I found 86 **Maine Supreme Court** actions (not including at the superior levels), just about Shoreland zoning by towns since 1970. That is a lot of our town's tax dollars (\$) being spent on just legal fees with no recouping its cost on our tax paying citizens. In addition to the towns paying the cost of these legal fees so too are private way associations paying these costs for owners violation shoreland zoning ordinances.

Property owners just love having their land along shorelines, or a view of the water, or at least access to our Maine lakes and ponds. Unfortunately not many well **trained realtors** understand the responsibilities to maintain such land. When my husband and I looked at our property with a realtor from Maine he pointed out a bunch of trees along the shoreline and said to have them cut down for a better view! Thereby clear cutting the land! We did not.

Due to a significant majority of our great ponds and lakes are accessed by way of camp roads, that are either private roads, private ways or discontinued roads and less likely to be public town roads. This requires road associations to maintain the roads under **PL 3101-3106 and PL 3121**. Due to **fire and safety regulations** the roads need to be at least 20 feet wide so a fire truck may access a property. A large amount of these roads are within the **250 feet distance from the shorelines**. The problem gets worse when property owners **encroach and obstruct the road** with constructing or placing boulders and other objects/structures causing a dangerous condition on other owner's access to their property and for fire and safety precautions. Be aware, that there is NO POLICE protection to the other properties requesting to stop and enforce these violations.

What is concerning to me is that some **permit applications** does not ask for a survey. We all know not to rely on town tax maps, but it is also clear that I have seen engineer reports that are not within the legal boundary lines belonging to an owner. Properties within the shoreland zoning area, of 250 feet who construct structures without permits and without a certified DEP contractor, as I have been told have no recourse of action by a town code enforcement.

Please let me set the record straight: Windham, Maine's Code Enforcement Department is EXCELLENT! They are very respectable, knowledgeable, approachable and courteous in conducting their jobs. If this bill "ought to pass" then it would allow the dept., to "enforce" the law, prevent burdening tax payers for the costs of attorney fees, and protect our land and great ponds. The best part of this bill is placing a lien on the property owner. This will affect his/her **credit score** and in some cases prevents the owner from **obtaining a loan** (as long as they don't create alias names). Thereby, I am in favor of this bill: LD 2101: An Act to Strengthen Shoreland Zoning Enforcement.