



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 552

H.P. 435

House of Representatives, February 15, 2011

An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HARVELL of Farmington. (BY REQUEST)
Cosponsored by Representatives: CUSHING of Hampden, ESPLING of New Gloucester.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §439-A, sub-§4-A, ¶C,** as amended by PL 1999, c. 243, §6, is
3 further amended to read:

4 C. Legally existing nonconforming principal and accessory structures that do not
5 meet the water setback requirements may be expanded or altered as follows, as long
6 as other applicable standards of land use adopted by the municipality are met and the
7 expansion is not prohibited by paragraph A or B.

8 (1) For structures located less than 75 feet from the normal high-water line or
9 upland edge of a wetland, the maximum combined total floor area for all
10 structures is 1,000 square feet, and the maximum height of any structure is 20
11 feet or the height of the existing structure, whichever is greater. The height of a
12 cupola, dome, widow's walk or similar feature is not included in the measurement
13 of the height of a structure if that cupola, dome, widow's walk or similar feature
14 has a floor area of 100 square feet or less.

15 (2) For structures located less than 100 feet from the normal high-water line of a
16 great pond classified as GPA or a river flowing to a great pond classified as GPA,
17 the maximum combined total floor area for all structures is 1,500 square feet, and
18 the maximum height of any structure is 25 feet or the height of the existing
19 structure, whichever is greater, except that any portion of those structures located
20 less than 75 feet from the normal high-water line or upland edge of a wetland
21 must meet the floor area and height limits in subparagraph (1). The height of a
22 cupola, dome, widow's walk or similar feature is not included in the measurement
23 of the height of a structure if that cupola, dome, widow's walk or similar feature
24 has a floor area of 100 square feet or less.

25 Existing principal and accessory structures that exceed the floor area or height limits
26 under this paragraph may not be expanded, except as provided in paragraph E.

27 For the purposes of this paragraph, a basement is not counted toward floor area.

28 **SUMMARY**

29 This bill provides that the height of a cupola, dome, widow's walk or similar feature
30 is not included in the measurement of the height of a structure for determining
31 compliance with limitations on the height of a structure in the shoreland zone if that
32 cupola, dome, widow's walk or similar feature has a floor area of 100 square feet or less.