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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 435, L.D. 552, Bill, “An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §436-A, sub-§7-A is enacted to read:

7-A. Height of a structure. "Height of a structure" means the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

Sec. 2. 38 MRSA §439-A, sub-§9 is enacted to read:

9. Cupolas. For the purpose of determining the height of a structure, a municipal ordinance adopted pursuant to this article may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if:

A. The legally existing conforming structure is not located in a Resource Protection District or a stream protection district as defined in guidelines adopted by the board; and

B. The cupola, dome, widow's walk or other similar feature:

(1) Does not extend beyond the exterior walls of the existing structure;

(2) Has a floor area of 53 square feet or less; and

(3) Does not increase the height of the existing structure, as determined under section 436-A, subsection 7-A, by more than 7 feet.

For purposes of this subsection, "cupola, dome, widow's walk or other similar feature" means a nonhabitable building feature mounted on a building roof for observation purposes.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill. It provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature:

1. Does not extend beyond the exterior walls of the existing structure;
2. Has a floor area of 53 square feet or less; and
3. Does not increase the height of the existing structure by more than 7 feet.

The amendment differs from the bill in that the bill proposes to authorize a cupola, dome, widow's walk or similar feature if it has a floor area of 100 square feet or less, and the bill did not provide that the structure to which the cupola, dome, widow's walk or similar feature is added must be a legally existing conforming structure.