



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Received 12/6/13  
cam

PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

November 22, 2013

Christine Martens, Chair  
Planning Board  
Bustins Island Village Corporation  
P.O. Box 22  
South Freeport, Maine 04078

Subject: APPROVAL #51-2013,  
Zoning Ordinance Amendments

Dear Ms. Martens,

Please find enclosed a copy of Department Order #51-2013, fully approving the Bustins Island Village Corporation Zoning Ordinance amendments, as adopted on August 3, 2013. The amendments are consistent with the Department's minimum requirements.

Should you or other Corporation officials have any questions, please contact me at 822-6328.

Sincerely

Mike Morse  
Assistant Shoreland Zoning Coordinator  
Bureau of Land and Water Quality

enclosed: Department Order #51-2013

cc: file

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17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333

IN THE MATTER OF

BUSTINS ISLAND VILLAGE CORPORATION ) MANDATORY SHORELAND ZONING ACT  
CUMBERLAND COUNTY ) 38 M.R.S.A., § 438-A (3)  
SHORELAND ZONING ORDINANCE )  
FILE #51-2013 ) ORDINANCE APPROVAL

Pursuant to the provisions of 38 M.R.S.A. §§ 435-449, The Mandatory Shoreland Zoning Act (Act) and 06-096 C.M.R., Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective March 24, 1990, and amended through May 5, 2012 (Guidelines), the Department of Environmental Protection has considered the Bustins Island Village Corporation Zoning Ordinance (Ordinance), as amended by the Bustins Island Village Corporation on August 3, 2013, and FINDS THE FOLLOWING FACTS:

1. The Act requires municipalities to establish zoning controls in areas within 250 feet of the normal high-water line of great ponds and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of the normal high-water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the Guidelines, as adopted by the Board of Environmental Protection (Board).
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is/are effective, it must be approved by the Commissioner of the Department of Environmental Protection (Department). The Department may approve, approve with conditions, or disapprove the ordinance or amendment. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality. If the Department fails to act within 45 days of its receipt of the ordinance or amendment, then the ordinance or amendment is automatically approved.
3. The amendments to the Bustins Island Village Corporation Ordinance are consistent with the minimum requirements of the Chapter 1000 Guidelines. The amendments, most significantly, add provisions to require that contractors performing earth moving activities within the shoreland zone must be certified in erosion control practices by the Department.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

1. The Bustins Island Village Corporation has adequately met the requirements of the Act, and the Zoning Ordinance is consistent with the requirements of the Guidelines.

THEREFORE, the Department APPROVES the Bustins Island Village Corporation Zoning Ordinance, as amended on August 3, 2013.

DONE AND DATED IN AUGUSTA, MAINE, THIS 20<sup>th</sup> DAY OF November, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael K...  
For: Patricia W. Aho, Commissioner

Filed  
NOV 21 2013  
State of Maine  
Board of Environmental Protection

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...  
MM/FILE #51-2013/BUSTINS ISLAND VILLAGE CORPORATION