

## Hans Rasmussen

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**From:** Philip Saucier <psaucier@bernsteinshur.com>  
**Sent:** Thursday, March 28, 2024 11:46 AM  
**To:** Hans Rasmussen  
**Cc:** Lorna Dee Nichols  
**Subject:** Shoreland Zoning - Reconstruction of Woodshed

### EXTERNAL MESSAGE:

Good morning Hans,

It was good to talk with you. As promised, I am writing to follow-up on our discussion regarding the Shoreland Zoning Ordinance regulations related to the reconstruction or replacement of a nonconforming structure.

Under Section 12(C)(6) of the Ordinance, if a non-conforming structure located less than the required setback from waterbody is damaged or destroyed, regardless of the cause, by more than 50% of the market value, it can be reconstructed or replaced if it meets the setback requirement "to the greatest practical extent as determined by the Planning Board" but cannot increase the nonconformity. If, however, the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

In this case the Planning Board will need to make findings and conclusions on a few separate matters. First, it will need to determine if the woodshed was a legally nonconforming structure, meaning whether it existed before the effective date of the Ordinance and setback requirements, and thus eligible for the reconstruction provisions in Section 12(C)(6). That finding must be supported by evidence in the record, which can take the form of testimony, pictures, prior approvals, etc. Next, if the Board finds that the structure was legally nonconforming, it will need to determine whether the total footprint of the structure can be located entirely beyond the setback area. Finally, if it cannot be reconstructed in a way that will meet the setback requirement, the Board must determine if the proposed location meets the setback to the greatest practical extent. In making that determination, the Board will apply the standards outlined in Section 12(C)(5), including the size of the lot, slope of the land, potential for soil erosion, location of other structures on the property and on adjacent properties, the location of the septic system on-site soils suitable for septic systems, and the type and amount of vegetation to be removed, as well as the physical condition and type of foundation present, if any.

I hope this is helpful, and let me know if you have any other questions.

Take care,  
Phil

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