

**TOWN OF FREEPORT, MAINE**

Planning Department

30 Main Street

Freeport, ME 04032

Phone: 207-865-4743

[www.freeportmaine.com](http://www.freeportmaine.com)

**TO:** Freeport Town Council

**FROM:** Caroline Pelletier, Interim Town Planner

**RE:** Proposed amendments to the Freeport Zoning Ordinance (Sections 104, 426 & 507) pertaining to the Island District

**DATE:** Tuesday, August 27, 2019

**Background:** Most of these changes are a result of a conditional approval (attached) by the Maine Department of Environmental Protection to recent changes the Town of Freeport adopted (March 19, 2019) pertaining to the Island District. These required changes will make the language consistent with State Shoreland Zoning regulations. New text is shown below as underlined and in red.


In addition, language changes pertaining to Crab Island were added as a result of the public hearing process and have been incorporated into the attached language.

**Process:** The Planning Board held a formal public hearing on the item on August 7, 2019. The following ad was run in the Brunswick Times Record on 7/25/19 & 7/30/19.

**PUBLIC HEARINGS**

The Freeport Planning Board will hold public hearings on Wednesday, August 7, 2019 at 6:00 p.m. in the Freeport Town Hall Council Chambers to discuss the following:

1) A request to repeal a Retirement Community Overlay District in the area of Stagecoach Road/Pine Street (See shaded area on map below - Tax Assessor Map 23, Lots 43, 45 & 49). The district was approved for Freeport Living, LLC. by the Freeport Town Council on October 17, 2006. The underlying zoning districts will remain.



2) Proposed amendments to the Freeport Zoning Ordinance pertaining to the Island District (Sections 104, 426.d, and 507). These required changes will make the language consistent with State Shoreland Zoning regulations.

The public is welcome to attend. Submitted materials are available for viewing in the Planning Department at the Freeport Town Hall during normal business hours.



Abutter notification was sent in accordance with the notification requirements outlined in the Rules of Order and Procedure of the Freeport Planning Board. The Planning Board received one letter regarding the changes; specifically commenting on changes in relation to Crab Island. Three members of the public spoke at the public hearing.

**Recommendation from the Planning Board:** The Planning Board made the following motion as they found the proposal to be consistent with the Town's Comprehensive Plan:

"That the Freeport Planning Board recommend that the Freeport Town Council adopt the proposed amendment to Sections 104, 426.d and 507 of the Freeport Zoning Ordinance pertaining to the Island District in that the amendments are a result of conditional approval by the Maine Department of Environmental Protection to recent changes the Town of Freeport adopted pertaining to the Island District; the amendments will make the language consistent with State Shoreland Zoning regulations; and, are in harmony with the Vision of the 2011 Town of Freeport Comprehensive Plan for "protecting environmentally sensitive areas." This motion is as presented in Caroline's memo with the correction to a typo, Section 426.b.5 references 426.d.3 when it should reference 426.d.4 and with the edit that 426.d in Section 2, strike Crab Island and in Section D.1, add Crab Island as a result of discussion during a public hearing. (Cannan & Savona) **VOTE:** (5 Ayes) (2 Excused-Ball & Child)"

## Proposed Amendments

### Chapter 21: Town of Freeport Zoning Ordinance

#### Section 104. Definitions

Individual private campsite – an area of land which is not associated with a campground, outdoor recreation and/or outdoor recreation school, and does not meet the definition of rustic campsite, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.\*

#### Section 426. Island District “ID”

A. Purpose: *{Amended, 03/19/19}*

Freeport’s Islands are acknowledged to be among the Town’s most treasured natural resources, and their attractiveness contributes to the well-being of the Town.

It is the intent of the Island District to protect these unique natural areas and especially their shorelines and surrounding waters by discouraging inappropriate uses, prohibiting development on certain islands, and restricting development on the others as to not materially disturb wildlife habitat, contribute to water pollution, or alter the natural and scenic appearance of the landscape when viewed from offshore. This zone applies to the following islands: Bartol, Bowman, Crab, French, French’s Ledge, Googins, Indian, Little Bustins, Little Flying Point, Little French, Pettengill, Pound of Tea, Pumpkin Knob, Sister, Sister’s Ledge, Sow and Pigs, and Williams. Bustin’s Island is not included.

B. Permitted Uses: *{Amended, Effective 06/18/13, 03/19/19}*

All uses are subject to site plan review regardless of size:

1. Non-Residential Facilities associated with outdoor recreation and/or outdoor recreation school
2. Piers, Docks and Wharves (subject to the requirements of Art. XIII of the Coastal Waters Commission Ordinance, and Sec. 507 G of this Ordinance).
3. Single Family Dwelling
4. Fishing, excluding fish processing
5. Clearing and removal of vegetation subject to Sec. 426.D.~~3~~4

C. Space Standards: *{Amended, 03/19/19}*

1. Maximum structure height: 20 feet
2. Minimum setbacks:
  - a. On the following Islands; Bowman, Crab, French, French’s Ledge, Googins, Indian, Little Bustins, Little French, Pettengill, Pound of Tea, Pumpkin Knob, Sister, Sister’s Ledge, Sow and Pigs, and Williams -  
shore: 125 feet

	side:	50 feet
b. On Islands connected to the mainland by a causeway; Bartol and Little Flying Point Islands –		
	shore:	75 feet
	side:	50 feet

3. Maximum lot coverage with non-vegetated surfaces: 20%

D. Restrictions: *{Amended, 03/19/19}*

1. On the following Islands; French, Pettengill, Sister, Crab and Williams only one dwelling unit may be maintained on each Island or lot of record existing as of January 1, 1979. Only one accessory structure and one pier, dock or wharf may be maintained on each Island or lot of record existing as of January 1, 1979.
2. No dwellings or other structures may be erected on the following Islands, which are deemed unsuitable for such use because of their small size, exposure to the elements, critical wildlife habitat, thin and unstable soils, and/or scenic importance: Bowman, ~~Crab~~, Googins, Indian, Little Bustins, Little French, French's Ledge, Pound of Tea, Pumpkin Knob, Sister's Ledge, and Sow and Pigs. Once destroyed or removed, any structures currently existing on one of these Islands may not be reconstructed or replaced unless accomplished within two (2) years. The location of a replaced structure may differ from the location of the original structure.
3. On Islands connected to the mainland by a causeway including Bartol Island and Little Flying Point Island, only one dwelling unit may be maintained on each Island or lot of record existing as of January 1, 1979. Only one pier, dock or wharf may be maintained on each Island or lot of record existing as of January 1, 1979.
- ~~34.~~ The clearing and removal of vegetation are subject to the following:
  - a. The right to cut and restore trees and shrubs that are disturbed by the forces of nature;
  - b. The right to gather, use, or remove dead wood, provided that no tree supporting an osprey nest may be cut;
  - c. The right to cut timber standing where a permitted structure is to be erected;
  - d. The right to cut trees and shrubs only if the purpose is to maintain and encourage a healthy forest environment and a well distributed stand of trees is retained. The plan must be approved by a Licensed Forester.
- ~~45.~~ Any modification, alteration, construction or reconstruction of any subsurface waste water disposal system shall be done in a manner that will prevent the direct or indirect discharge of any waste, treated or otherwise, into the salt water.
- ~~56.~~ Inter-island bridges or causeways, and bridges or causeways from any island to the mainland, are specifically prohibited, except that the bridges or causeways from the mainland to Bartol's Island and Little Flying Point may be maintained and reconstructed, as necessary, provided that once removed or destroyed, the same may not be reconstructed or replaced unless accomplished within a period of three (3) years thereafter.

E. Other Standards:

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507.

## Section 507. Shoreland Zone Regulations

### New subsection P.

**P. Individual Private Campsites.** Individual private campsites not associated with campgrounds, outdoor recreation and/or outdoor recreation school, are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

### Re-letter subsections following Q-V



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



GERALD D. REID  
COMMISSIONER

June 12, 2019

Town of Freeport  
Attn: Nick Adams, CEO  
30 Main St.  
Freeport, ME 04032

Subject: Department Review of Freeport's Shoreland Zoning Ordinance

Dear Mr. Adams:

The Commissioner of the Department of Environmental Protection (Department) has reviewed the Town of Freeport's Shoreland Zoning Ordinance. We appreciate the hard work that goes into keeping an ordinance up to date.

Please find enclosed Department Order #25-2019 (Order) conditionally approving the Ordinance, as adopted on April 29, 2019 and received by the Department on April 30, 2019.

The conditions of the Order are binding on the Town of Freeport (municipality) and must be administered as part of the Ordinance. Should the Ordinance, including map, be amended in the future to address the deficiencies identified in the Order, the Department can then fully approve the Ordinance and repeal the Order.

If you or any other municipal officials have questions relating to shoreland zoning, you may reach me at 441-7419 or by e-mail [colin.a.clark@maine.gov](mailto:colin.a.clark@maine.gov).

Sincerely,

Colin A. Clark

Shoreland Zoning Coordinator

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF FREEPORT ) MANDATORY SHORELAND ZONING ACT  
CUMBERLAND COUNTY )  
SHORELAND ZONING ORDINANCE )  
ORDER #25-2019 ) APPROVAL WITH CONDITIONS

Pursuant to the provisions of 38 M.R.S. §§ 435-448, the Mandatory Shoreland Zoning Act ("Act"), and the Maine Department of Environmental Protection's Guidelines for Municipal Shoreland Zoning Ordinances, 06-096 C.M.R. ch. 1000 (amended January 26, 2015) ("Guidelines"), the Department of Environmental Protection has considered the request for approval of the Town of Freeport Zoning Ordinance (Ordinance), as amended on April 29, 2019, 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. 38 M.R.S. §§ 435 & 438-A.
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendment to that ordinance, is effective, it must be approved by the Commissioner of the Department of Environmental Protection ("Commissioner"). The Commissioner may approve, approve with conditions, or deny the ordinance or amendment. If denied, or approved with conditions, such action must be preceded by notice to the municipality. If the Commissioner fails to act within 45 days of receipt of the ordinance or amendment, then the ordinance or amendment is automatically approved. 38 M.R.S. § 438-A.
3. On April 30, 2019, the Town of Freeport submitted its amended Shoreland Zoning Ordinance as adopted on April 29, 2019 to the Department for review:
  - A. Section 426 *Island District* was as follows:
    - a. *Purpose* was amended to remove the terms "fragile" and "to single family dwellings which do" from the purpose statement.
    - b. *Permitted Uses* was amended to add outdoor recreation and outdoor recreation school to Non-Residential facilities and Timber Harvesting was replaced with Clearing and removal of vegetation.

TOWN OF FREEPORT  
CUMBERLAND COUNTY  
SHORELAND ZONING ORDINANCE  
ORDER #25-2019

2  
) MANDATORY SHORELAND ZONING ACT  
)  
)  
) APPROVAL WITH CONDITIONS

- c. *Space Standards* was amended to identify structure heights and setbacks for the islands identified in the district.
  - d. *Restrictions* was amended to identify how many dwellings, accessory structures and piers would be allowed on islands within the district. Additionally, "cutting of standing timber shall not be permitted except as follows" was replaced with "clearing and removal of vegetation are subject to the following."
  - e. Definitions for "Outdoor Recreation" and "Rustic Campsite" were added.
4. The Department's review of the amended Ordinance has revealed the following significant deficiencies:
- A. Section 426 D *Restrictions* 3 fails to identify the number of piers, docks and wharfs on the island or lot.
  - B. Section 104 *Definitions* fails to include "Individual Private Campsite".
  - C. Section 507 *Shoreland Zone Regulations* fails to include the standards for "Individual Private Campsites."
5. The Town of Freeport was notified by the Department of the above deficiencies, and the proposed conditional approval of the Ordinance.

BASED on the above Findings of Fact, the Commissioner makes the following CONCLUSION:

1. The deficiencies noted in paragraph 4 above can be addressed by the Commissioner approving the Ordinance with conditions. This will result in the Ordinance being substantially consistent with the requirements of the Mandatory Shoreland Zoning Act, 38 M.S.R., § 438-A, and the minimum Guidelines.

THEREFORE, the Commissioner APPROVES the Ordinance, as amended on March 5, 2019, SUBJECT TO THE ATTACHED CONDITIONS:



TOWN OF FREEPORT	) MANDATORY SHORELAND ZONING ACT
CUMBERLAND COUNTY	)
SHORELAND ZONING ORDINANCE	)
ORDER #25-2019	) APPROVAL WITH CONDITIONS

1. Section 426 D *Restrictions* 3, shall be amended as follows:

On Islands connected to the mainland by a causeway including Bartol Island and Little Flying Point Island, only one dwelling unit may be maintained on each island or lot of record existing as of January 1, 1979. Only one pier, dock or wharf may be maintained on each Island or lot of record existing as of January 1, 1979.

2. Section 104 *Definitions*, shall be amended to include the following:

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

3. Section 507 *Shoreland Zone Regulations*, shall be amended to include the following:

**Individual Private Campsites.** Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

TOWN OF FREEPORT )  
 CUMBERLAND COUNTY )  
 SHORELAND ZONING ORDINANCE )  
 ORDER #25-2019 ) APPROVAL WITH CONDITIONS

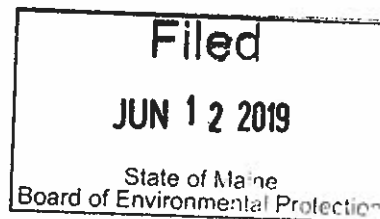
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

DONE AND DATED AT AUGUSTA, MAINE, THIS 12<sup>th</sup> DAY OF June, 2019.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 

For: Gerald D. Reid, Commissioner



PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.



# DEP INFORMATION SHEET

## Appealing a Commissioner's Decision on a Shoreland Zoning Ordinance

Dated: November 2018

Contact: (207) 287-2452

### **SUMMARY**

There are two methods available to a municipality seeking to appeal a shoreland zoning ordinance decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board), or (2) a judicial process before Maine's Superior Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

The laws concerning the DEP's *Organization and Powers*, 38 Maine Revised Statutes (M.R.S.) § 341-D(4), the Mandatory Shoreland Zoning laws 38 M.R.S. § 438-A(3), and the DEP's Rules Concerning the Processing of Applications and Other Administrative Matters ("Chapter 2"), 06-096 C.M.R. ch. 2.

#### **DEADLINE TO SUBMIT AN APPEAL TO THE BOARD**

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed. Evidence that is not in the DEP's record at the time of the decision may be offered as part of an appeal for consideration by the Board only as described at the end of the following section.

## INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must demonstrate that it is submitted on behalf of the municipality subject to the Commissioner's decision and must explain how the municipality may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, conditions, or other aspects of the written decision or of the review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the shoreland zoning ordinance to changes in specific conditions imposed on the shoreland zoning ordinance.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the ordinance, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the review process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

## OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A municipal shoreland zoning file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the shoreland zoning ordinance was processed, and the procedural rules governing your appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* A municipality proceeding with shoreland zoning matters pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

#### **AFTER A TIMELY APPEAL HAS BEEN FILED WITH THE BOARD**

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP shoreland zoning staff member assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as new or additional evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's ordinance review file will be sent to Board members with a recommended decision from DEP staff. The appellant and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant and interested persons of its decision.

#### **II. APPEALS TO MAINE SUPERIOR COURT**

Maine law generally allows aggrieved persons to appeal final Commissioner or Board decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001 *et seq.*; & M.R. Civ. P. 80C). Parties to the shoreland zoning ordinance decision must file a petition for review within 30 days after receipt of notice of the Commissioner's or Board's decision. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal. The filing of an appeal to the Board is not a prerequisite for a judicial appeal.

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

#### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

---

**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

---