



Town of Machias
Town Office
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P.O. Box 418
Machias, ME 04654



MACHIAS PLANNING BOARD

WRITTEN DECISION TO RESCIND APPROVAL

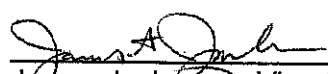
At its October 23, 2023 meeting, the Machias Planning Board reviewed correspondence received from the State of Maine Department of Environmental Protection dated October 5, 2023 referencing the Board's decision to conditionally approve a building permit submitted by IMK Properties LLC for the construction of nine townhouses/units on a lot located at 53 Fremont Street. In the letter from the DEP, it was pointed out that "the Department is writing to notify the Board that it appears the dwellings subject to the Board's approval are not in compliance with the provisions of the Town Ordinance or the Department's Ch. 1000 Guidelines for Municipal Shoring Zoning Ordinances. The ordinance provisions and Ch. 1000 allow dwellings to be constructed on a shoreline lot, but each dwelling must comply with the minimum lot standards established in Section 15 Land Use Standards. Section 15 requires a minimum of 40,000 square feet of lot area per residential dwelling unit and 60,000 square feet of lot area per commercial use within the shoreline zone adjacent to non-tidal areas. Based on the plans submitted to the Board for review, the lot is 1.53 acres total, or approximately 66,645 square feet. The nine dwelling units require 360,000 square feet of lot area."

The Board understands that the Department of Environmental Protection is responsible for ensuring that municipalities comply with the Mandatory Shoreland Zoning Act and that Act requires that any municipality that fails to adopt, administer, or enforce zoning and land use ordinances as required under state regulations is subject to enforcement actions and penalties.

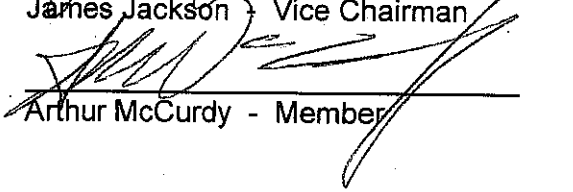
Based on the information provided by the State of Maine Department of Environmental Protection, it is determined that at its meeting of October 23, 2023 the Machias Planning Board rescinds its approval of the IMK Properties LLC building permit application.



Harry Flower - Chairman



James Jackson - Vice Chairman



Arthur McCurdy - Member

Ryle Mortland - Member

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