

The proponent is also directed to the Zoning Ordinance for additional information.

TOWN OF DENMARK, MAINE
SUBMISSION REQUIREMENTS FOR DISTRICT
REZONING

GENERAL INFORMATION

1 of 2

NAME OF PROPERTY OWNER(S) / PROPONENT(S):

John Wiesemann & Amy Imdieke

MAILING ADDRESS: 507 Denmark Road

CITY OR TOWN: Denmark STATE: Maine ZIP: 04022

TELEPHONE: 207-890-6923

EMAIL ADDRESS: denmarkwastewater@gmail.com

TAX MAP: 15 LOT: 31A & 31 DEED BOOK: 574 & 5503 PAGE: 716 & 933

STREET/ROAD LOCATION OF PROPERTY TO BE REZONED:

507 Denmark Road & Scanty Bag Cove Road

PROPERTY ZONING DISTRICT:

EXISTING: Resource Protection PROPOSED: SHORELAND STREAM DIST.

NAME OF PROPERTY OWNER / PROPONENT REPRESENTATIVE (if there is one):

TOWN OF DENMARK, MAINE
SUBMISSION REQUIREMENTS FOR DISTRICT
REZONING

GENERAL INFORMATION

2 of 2

Existing Use Of Property: Residential use on Denmark Rd. property, Vacant lot on Scanty Bag Cove Road property


Existing Structures On Property: Single Family Home

Provide, in detail, the facts surrounding this rezoning: Be as specific as possible so the that the Board is able to give full consideration to the rezoning:

See attached-

Continue response on additional sheets if necessary and attach to this application.

Property Owner Signature(s):  Date: 10-1-2022

 Date 10-1-2022

From: Jeffrey.C.Kalinich@maine.gov
To: tcarabine@aol.com
Cc: denmarkwastewater@gmail.com
Sent: 08/30/22 3:53:43 PM Eastern Standard Time
Subject: RE: Town of Denmark Resource Protection District Rezoning

Hi Tom,

I have had an opportunity to review the materials you sent along with Denmark's Ordinance and Chapter 1000. I agree on lots 15-31A and 15-31 the resource protection district should be mapped within the 100-year floodplain and if this area is less than the 100 foot setback from Beaver Brook, then the remainder of the 100 feet should be mapped in the shoreland stream district. If this map amendment is approved, an attested copy of the amended map will still need to be submitted to the Department for final review and approval.

Let me know if you have any questions.

Thank you for requesting the Department's opinion.

Jeff

Jeffrey C. Kalinich
Assistant Shoreland Zoning Coordinator
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04103
Ph. (207) 615-7044
Fax. (207) 822-6303
www.Maine.gov/dep

Michael Morse
Principal
mike@morseenvironmental.com
(207) 558-0812

22 Free Street, Ste 403
Portland, Maine 04101

May 3, 2022

John Wiesemann
507 Denmark Road
Denmark, Maine 04022
denmarkwastewater@gmail.com

RE: Zoning Map and Zoning Ordinance Discrepancy

Dear John,

I am writing at your request to provide you with my analysis of the zoning depicted on the Town of Denmark Zoning Map affecting your land on Denmark Road. An outlet stream of Beaver Pond traverses the property. The Zoning Map depicts a 250-foot Resource Protection (RP) District following the outlet stream and Aquifer Protection District on your parcel. The Resource Protection District as shown on the Zoning Map does not appear to be warranted for your property. This RP zoning is also not supported by the Chapter 1000 State of Maine Guidelines for Municipal Shoreland Zoning Ordinances. I have not evaluated the Aquifer Protection District on your property.

Section 7.1.1 of the Town's Zoning Ordinance (Ordinance) establishes the specific land areas to be regulated on the Map with the RP District. There are two specific criteria in the Ordinance that prompt the inclusion of land area in the RP District: 1) all areas within the 100-year floodplain; and 2) areas around wetlands that have been rated moderate or high value for waterfowl by the Maine Department of Inland Fisheries & Wildlife. Section 7.1.1.5 of the Ordinance further expounds on the above wetland areas as being wetlands, swamps, marshes and bogs, and significant wildlife habitats.

My review of the Ordinance, Zoning Map, and the conventional mapping data for this purpose reveals that the RP District is not warranted as depicted on the Zoning Map. There is no mapped moderate or high value waterfowl & wading bird habitat on the property, and the US Fish & Wildlife Service National Wetlands Inventory data- the essential data source for municipal wetland zoning- does not appear to include any wetland on your property. Even if a very small area of wetland does cross onto your property, then the wetland area is not mapped as waterfowl habitat. An approximately 7.5-acre emergent wetland located southwesterly of the property and on the opposite side of Denmark Road also is not mapped as moderate/high value waterfowl habitat and does not qualify for zoning with a RP District.

Review of the FEMA floodplain map data reveals that much of the area adjacent to the outlet stream is mapped as being within the 100-year floodplain, and a very small area of this floodplain may extend onto a small portion of the southeasterly corner of your property. Whereas the Ordinance regulates the 100-year floodplain with a Resource Protection District it is possible that there may be a very small area of RP District on your lot, but it would be limited only to the extent (or footprint) of the mapped 100-year floodplain. A determination of whether any floodplain RP district exists on your property could be determined by careful review of the FEMA floodplain maps along with an accurate location of your property boundaries. A surveyor could likely assist you with this as well, if deemed necessary.

Considering the above, the Town's Zoning Map could be amended to remove the 250-foot Resource Protection District and amended to include only the footprint of the mapped FEMA 100-year floodplain in that district. Also, unless the Aquifer Protection District is more accurately defined, this district should also remain as presently shown on the Zoning Map.

Additionally, the Ordinance regulates certain streams (a defined term) with a 100-foot Shoreland District, and the outlet stream that traverses the southerly portion of your property meets this requirement.

To summarize, without further analysis the Aquifer Protection District should remain as shown on the Town's Zoning Map. The outlet stream originating at Beaver Pond and flowing downstream through and beyond your parcel should be shoreland zone protected with a 100-foot Shoreland District (Streams). The current 250-foot Resource Protection District in this area is not supported by the Ordinance and should be removed (note: a separate wetland located ~1 mile downstream of your property appears to qualify for a RP District as it is a large wetland with waterfowl habitat, but this is entirely unrelated to the area around your property for zoning purposes). These amendments would eliminate the present discrepancy between the Ordinance and Zoning Map and would improve their consistency.

Hopefully this information is helpful to you as you work with the Town to correct the zoning discrepancy. Please don't hesitate to contact me if you have any questions regarding this matter or if you seek additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Morse", written over a light blue horizontal line.

Michael Morse

Denmark- Map 15. Lots 31 & 31A

Very approximate
lot lines

7.47 A

6.33 A

4.514
70.841



Legend

SEE THE REPORT FOR DETAILED LEGEND AND NOTES FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

	Without Base Flood Elevation (BFE) Zone A, X, CE, or V
	With BFE or Depth Zone AE, AH, VE, or V
	Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

	0.2% Annual Chance Flood Hazard. Are of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile. Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Areas with Reduced Flood Risk due to Levees. See Notes. Zone X
	Areas with Flood Risk due to Levees. Zone X

OTHER AREAS

	Area of Minimal Flood Hazard Zone X
	Effective LOAHs
	Area of Undetermined Flood Hazard Zone X
	Channel, Culvert, or Storm Sewer Structures
	Levee, Dam, or Floodwall

OTHER FEATURES

	Cross Sections with 1% Annual Chance Flood
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Boundary
	Profile Boundary
	Hydrographic Feature

MAP PANELS

<input type="checkbox"/>	Digital Data Available
<input type="checkbox"/>	No Digital Data Available
<input checked="" type="checkbox"/>	Unmapped

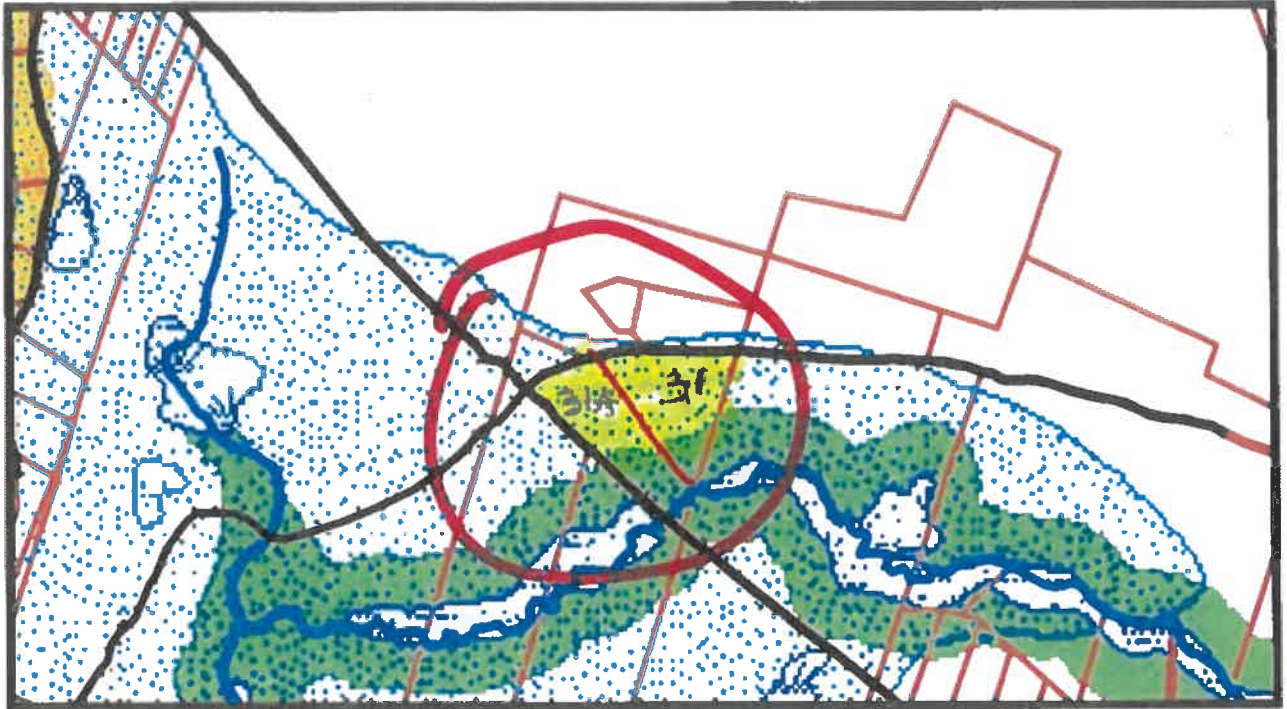
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not used as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFPA web services provided by FEMA. This map was reported on 2/24/2022 at 3:21 PM and does not reflect changes or amendments subsequent to this date and time. The NFPA and effective information may change or become superseded by new data over time.

This map image is valid if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, NFPA panel number, and FIRMette effective date. Map images for unmapped and unauthenticated areas cannot be used for regulatory purposes.









10/24/2022

Rezoning Request: Rezone all Resource Protection District area located on Tax Map 15 Lot 31 & 31A to Shoreland Stream District

**John Wiesemann
507 Denmark Road & Scanty Bag Road
Denmark, ME 04022
Scale=**

- Legend**
-  = 250 Resource Protection
 -  = Aquifer Protection
 -  = Property Line
 -  = Brook/Stream



John Wieseemann- Rezone Map, - Denmark, Me

Tax Map 15 Lots 31A & 31 Denmark ME



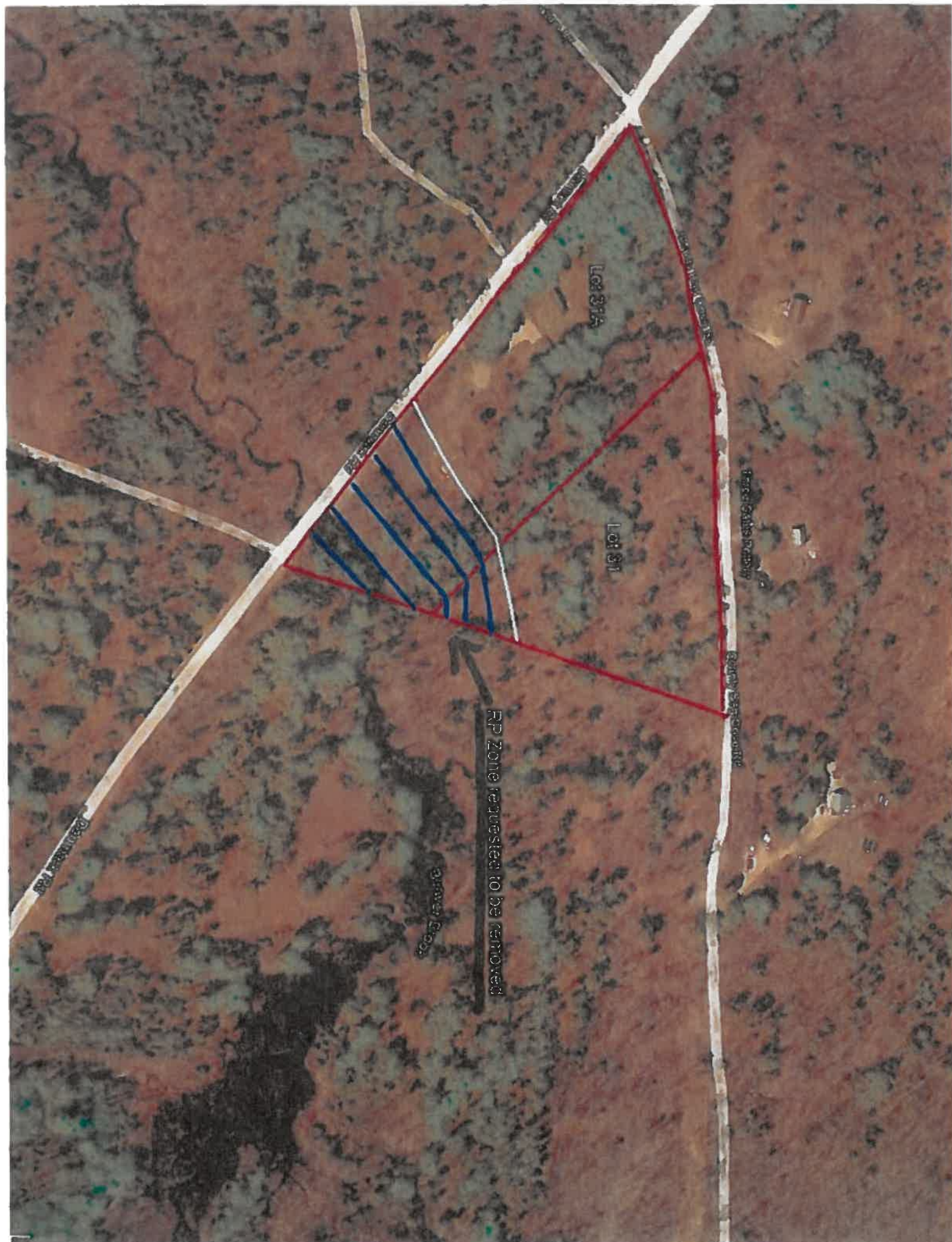
July 6, 2022

1 inch = 271 Feet

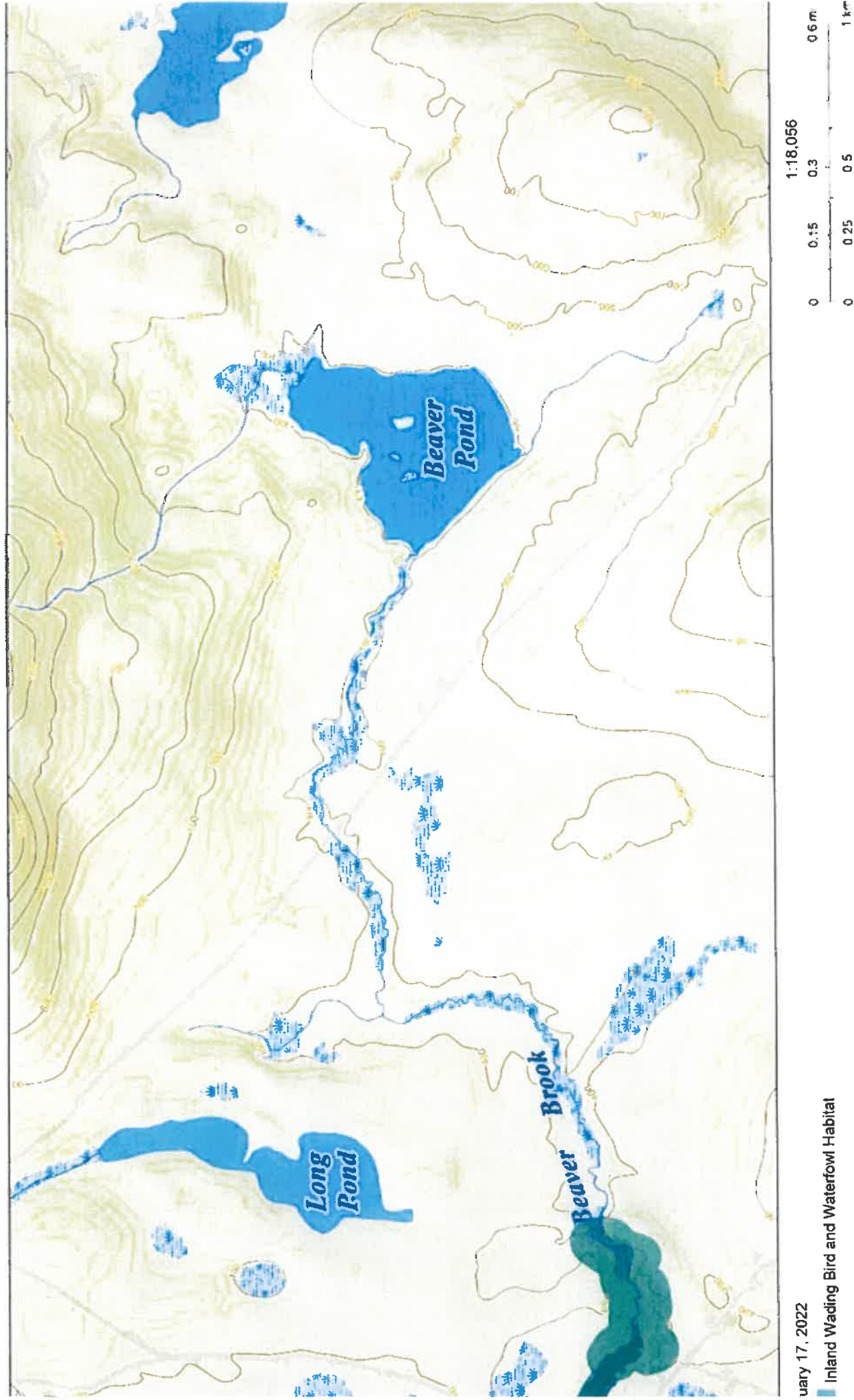
www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Wiesemann



February 25, 2022

Tom Carabine
Denmark Planning Board

RE: Zoning Map and Zoning Ordinance Discrepancy Lot 15-31A & 31

Dear Tom,

While conducting my research I discovered a discrepancy between the Town of Denmark Zoning ordinance and the Zoning Map. Specifically, the Map includes a Resource Protection (RP) District on my property and this designation is not warranted by the ordinance. This RP zoning is also not supported by the Chapter 1000 State of Maine Guidelines for Municipal Shoreland Zoning Ordinances.


Section 7.1 of the Ordinance establishes the specific land areas to be regulated on the Map with the RP district. There nine criteria that prompt the inclusion of the land area in the RP District. I find that after review of this criteria that the RP district on my two properties is not supported by the ordinance. Below is a summary of my findings:

1. ***The land area that is 250 feet from freshwater wetlands that are rated as moderate or high value waterfowl & wading bird habitat as depicted on a GIS data layer;*** The reviewed data on MIF&W reveals that this area is not in the freshwater wetlands that are rated as moderate or high value waterfowl & wading bird habitat.
2. ***Flood Plain areas along rivers and along artificially formed great ponds along rivers;*** The property is located along a river or artificially formed great pond along a river but it is along a brook in the flood plain (map included).
3. ***Areas of two or more contiguous acres with sustainable slopes of 20% or greater within shoreland zone of a waterbody or wetland;*** after performing a field survey I conclude that all slopes are between 5-10% grade,
4. ***Areas of two or more contiguous acres of land within shoreland zone of a waterbody or wetlands, that supports wetland vegetation and hydric soils and which are not connected to the waterbody during the period of normal high water;*** this area does contain wetlands but is not large enough to meet the towns definition for a "regulated wetland" which requires a non-forested wetland of 10 or more acres. The wetlands around my lots are 8 acres and some of that is forested. (map included)
5. ***Land areas along rivers subject to severe bank erosion;*** The land area along the brook shows o signs of erosion do to not being a high-flow stream/brook.
6. ***Other important wildlife habitat;*** Review of the M.I.F. & W Beginnings with habitat map reveals that there is no important wildlife habitat mapped on this property. This data includes wading birds, deer wintering yards, rare plants and natural communities and a number of other important habitat areas.
7. ***Natural sites of significant scenic or esthetic value;*** There are no natural sites of significant scenic or esthetic value has been identified on my property.

8. ***Other areas, such as existing public access areas and significant archaeological and historic sites;*** After contacting the Maine Historic Preservation commission there are no known prehistoric native American archaeological sites or historic archeological sites in or near the subject area on my property.

After reviewing the towns Comprehensive Plan (2020) it fails to reveal any other justification for the RP district on my property. Considering the facts that researched and provided I am asking the own to remove the RP (250setback) rom my property because it does not meet the town standards nor the Maine standards. There are other locations along beaver brook that should be removed from the RP district as well, but I petitioning for my parcel with this packet.

Thank you for consideration and look forward to further discussion,

Sincerely,

John Wiesemann
507 Denmark road
Denmark, Maine 04022

207-890-6923
denmarkwastewater@gmail.com

Subject



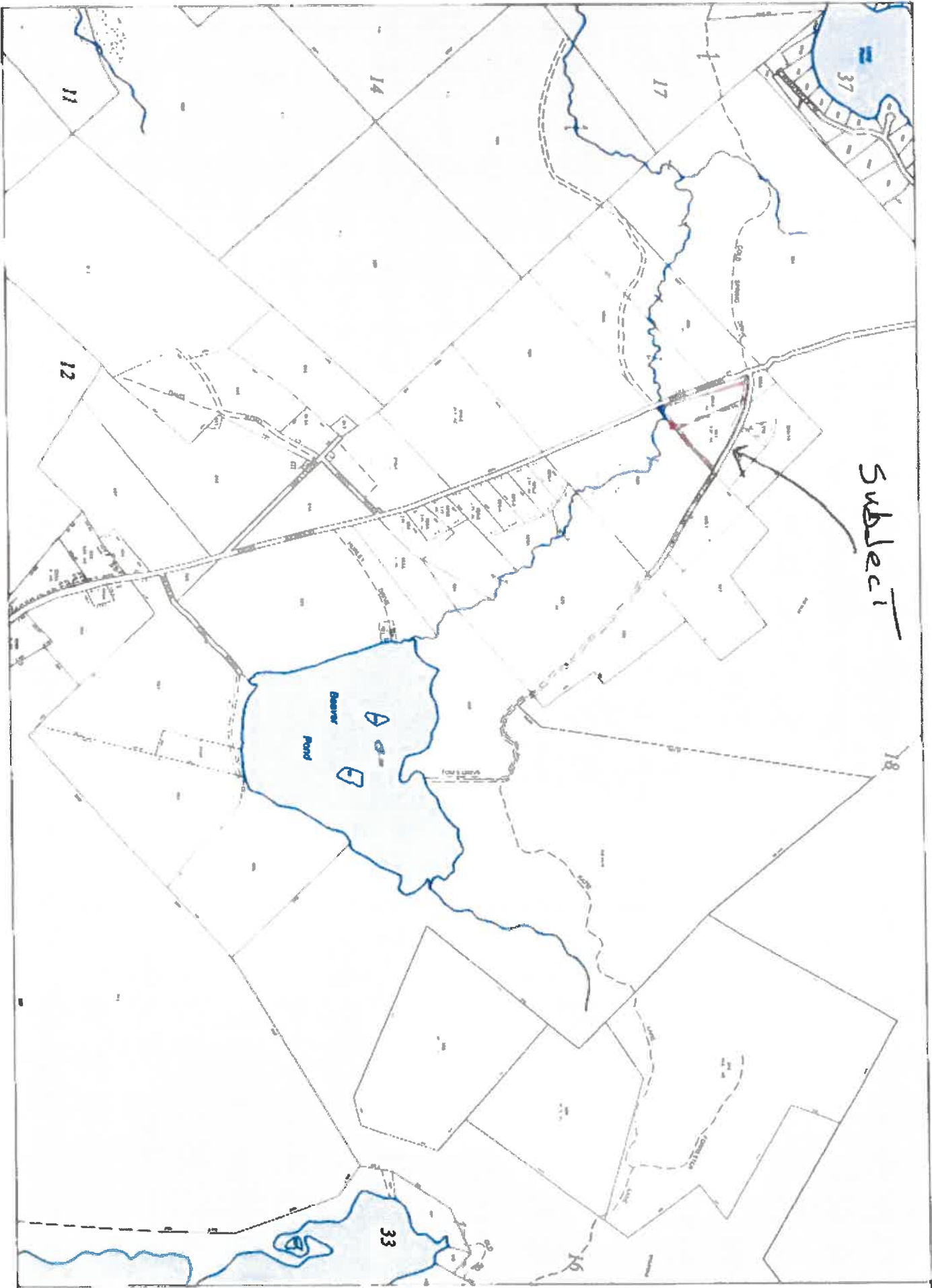
TOWN OF DENMARK
Oxford County, Maine



Scale
1 inch = 400 feet

Revised April 1, 2
CAI
Maine Department of Transportation

MAI
15



Measure

Denmark- Map 15, Lots 31 & 31A

Very approximate
lot lines



8.33 A

7.47 A

1.514
-70.841

National Flood Hazard Layer FIRMette



Legend



SEE FIRM REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AE
- With BFE or Depth Zone AL, AH, AE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOHs
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Traverset
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Traverset Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

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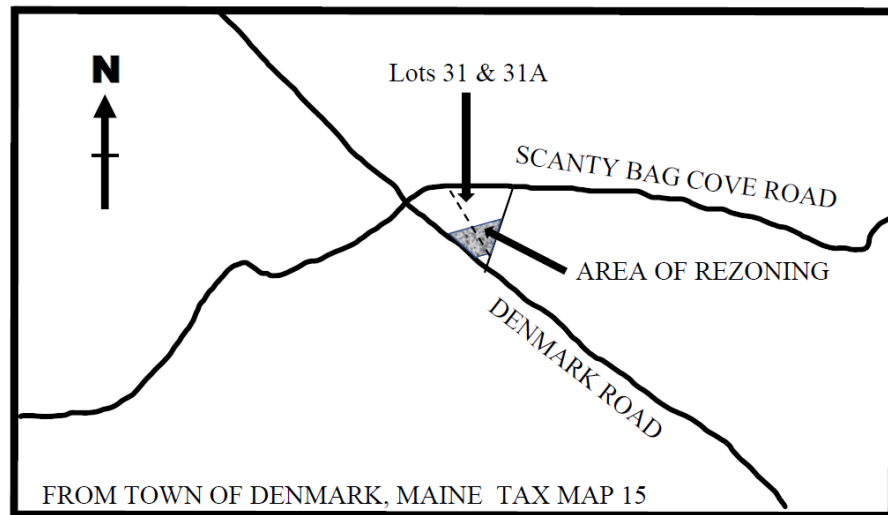
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Feet 1:6,000

ARTICLE 68. Shall the Town enact the amendment request to the **Town Zoning Map 15, portions of Lots 31 and Lots 31A from Resource Protection to 100 Foot Shoreland Stream.** Synopsis is below.

An attested copy of the full text of this ordinance section, redlined with the proposed revision or amendment is on file at the Town Office and on the Town's website.



- *The map above depicts the area of rezoning.*
- *The properties are adjacent and are located at 507 Denmark Road.*
- *The associated water body is Beaver Brook.*
- *The request is to rezone a portion of each lot adjacent to Beaver Brook from Resource Protection District to Shoreland Stream District in accordance with the map and submission materials.*

Attest: A true copy of an amendment to "The Town Zoning Map 15 portions of Lot 31 and 31 A" as certified to me by the municipal officers of Denmark on the 25th day of April 2023.

Signature _____
Town Clerk, Denmark