

**DRAFT**  
**MEMORANDUM**

TO: Cape Elizabeth Town Council  
FROM: Planning Board  
DATE: September 21, 2011  
SUBJECT: Turkey Hill and Loveitt Heirs Parcel Growth Areas  
Recommendation

Introduction

At the June 13, 2011 meeting, the Town Council forwarded the following to the Planning Board:

***Item # 104-2011    Ordinance Committee Growth Areas Recommendation***

*Moved by James T. Walsh and Seconded by Anne E. Swift-Kayatta*

*Ordered the Cape Elizabeth Town Council hereby refers to the Planning Board a recommendation from the Ordinance Committee to remove Turkey Hill Farm (R03-20) and the Loveitt heirs parcel (R01-2) as growth areas.*

*(7 yes) (0 no)*

The Planning Board held two workshops on August 2nd and September 6th when they reviewed these properties and their placement in the RB District. Ordinance Committee Chair Jim Walsh attended the August 2nd workshop as part of the new communication policy adopted by the Town Council to improve communication between the Town Council and the Planning Board. The Planning Board sent notices to abutters to the properties for the September 6th workshop and also the September 20th Planning Board meeting, where public comment was invited.

Discussion

The Planning Board reviewed both parcels. Turkey Hill Farm is subject to an agricultural easement held by the Cape Elizabeth Land Trust and cannot be developed. The Loveitt Heirs Parcel is almost completely owned by the Town of Cape Elizabeth and functions as the northern terminus of the "Stonegate trails" system. The Planning Board also reviewed the TDR map.

The Comprehensive Plan identifies open space preservation as a high priority. Current use of both of these properties provides open space that benefits Cape citizens. If preservation is the goal, removing these properties from the RB District and adding them to another zoning district does not advance the goal of open space preservation.

In accordance with the Cape Elizabeth Zoning Ordinance, lots located in the Residence A (RA), Residence B (RB) and Residence C (RC) Districts can be developed for residential use. If a lot is located in the RB District, however, any residential subdivision must comply with the Open Space Zoning (clustering) provisions, which require that 40% of the gross land area must be preserved as open space. For lots in the RA and RC Districts, a subdivision's compliance with the Open Space Zoning provisions is optional. In other words, the most appropriate tool in the Zoning Ordinance for areas with development potential where open space preservation is desired is to put them in a zoning district where the Open Space Zoning requirements are mandatory.

#### Recommendation

BE IT ORDERED that, based on the Comprehensive Plan and the Zoning Ordinance, the Planning Board recommends that the zoning district for Turkey Hill Farm, located at 120 Old Ocean House Rd, and the Loveitt Heirs Parcel, located off Locksley Rd, (not be/ be) changed from RB to another zoning district.