

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: March 20, 2012  
SUBJECT: Fort Williams Master Plan

### Introduction

The Town Council has referred to the Planning Board an update to the 2003 Fort Williams Master Plan. The Fort Williams Zoning District refers to the master plan in designating permitted uses and buildings and the Planning Board must review the master plan similar to its review of any proposed zone change. The master plan amendment will be reviewed for compliance with Sec. 19-6-8(D), Master Plan Amendments.

### Procedure

- The Board should begin by having the applicant introduce the master plan amendments.
- The Board may want to ask questions immediately after the presentation.
- The Board should then open the public hearing, which has been advertised for this evening.
- At the close of the public hearing, the Board may resume discussion.
- At the end of discussion, the Board has the option to recommend, not recommend or table the amendments to a future workshop or regular meeting

### Sec. 19-6-8(D)(2) Standards

The Fort Williams Park District is comprised of the town-owned Fort Williams Park. No privately owned land is included in the district and the town's ownership of the park results in the Town of Cape Elizabeth having near complete control of the land use activities in the district. For these reasons, the Fort Williams Park District lacks many of the restrictions and/or standards common to other zoning districts. Instead, the Fort Williams Park District is mostly formed by what is in the Fort Williams Master Plan. This structure allows the Town more flexibility in how it manages the park, and also avoids unintended conflicts between management goals and zoning restrictions.

When the zoning district and the master plan are bound together, the master plan takes on greater legal weight in that a change to the master plan also changes the Zoning Ordinance. For this reason, the Planning Board must

comment on the master plan, similar to the procedure for reviewing zoning ordinance amendments. Below is a summary of the standards the Planning Board must use in reviewing Fort Williams Park master plan amendments:

- a. That such proposal is for a park, recreational or cultural use consistent with the long-term plans of the Town for the use of Fort Williams Park;

The master plan amendments reaffirm the 1976 Town Council policy statement for the park, which states that "it should be dedicated to predominantly park, recreational and cultural uses ..."

- b. That the proposed building or use will not interfere with or detract from park, recreational or cultural uses then existing or anticipated during the period of such use;

Some new building is anticipated, but still at a conceptual level. The proposed buildings, such as the canopy over a picnic area at the beach, a second picnic shelter and a visitor center, all are reasonably connected to the 1976 policy statement. If these buildings are proposed, they would likely require site plan review by the Planning Board.

- c. That such proposed use will be sensitive to and not unduly impact the adjacent residentially zoned properties;

No substantive changes are proposed within 30' of a park boundary.

- d. That such proposed use will be consistent with the active recreational use of Ship Cove and with the passive recreational use of the remaining shoreline within Fort Williams Park.

The largest changes anticipated in the vicinity of Ship Cove are the redesign of the parking lot and the potential overhead picnicing shelter, both of which will enhance the current recreational activities in the Ship Cove area.

#### Motion for the Board to Consider

BE IT ORDERED that, based on the Fort Williams Master Plan Amendment submitted and the facts presented, in accordance with Sec. 19-6-8(D), Master Plan Amendments, the Cape Elizabeth Planning Board (recommends/does not recommend) the 2012 Fort Williams Master Plan Amendments to the Town Council for consideration.