

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: August 1, 2012
SUBJECT: Subdivision Ordinance Overhaul

Introduction

The Planning Board began a discussion of an update to the Subdivision Ordinance in February, 2012. Below is a summary of that discussion and then a summary of the amendments prepared for this meeting.

February overview

2007 Comprehensive Plan:

The Comprehensive Plan includes 81 recommendations and approximately 1/3rd of those are high priority. The high priority land use recommendations were packaged into 5 groups. Three of these packages have been completed and adopted by the Town Council. The next package for the Planning Board to prepare follows:

87. Overhaul the Subdivision Ordinance to align state and local subdivision standards of review.

The bulk of the Subdivision Ordinance is largely untouched from its adoption in 1968 and should be updated.

Town Council referral:

As part of its 2012 goals, the Town Council has referred to the Planning Board an overhaul of the Subdivision Ordinance at the December 2011 meeting.

Areas of Focus: One of the main goals of overhauling the Subdivision Ordinance is to review it for consistency with the State Subdivision rules, which have been amended numerous times since 1968. In particular, the following items are recommended for review:

- Make definition of subdivision consistent with state law (Sec. 16-1-4);
- Merge state and town subdivision standards into 1 section (Sec. 16-1-1 and 16-3-1);

- Review road and other technical standards for update as needed (This section has benefited from the most updates and I do not expect it to need much attention);
- Coordination of submission list with standards;
- More appropriately locate some of the final subdivision procedures.
- Make Performance guarantee procedure consistent with practice/ delegation to town staff; and
- Replace “dated receipt” with “written notification” (Sec. 16-2-4);

August 1st amendments

For this meeting, the sections of the Subdivision Ordinance covering definitions and standards of review are the focus of amendments. These two sections are featured because they represent the bulk of changes needed to bring the local ordinance into compliance with the State subdivision regulations. For your convenience, subsection 4401 (definitions) and 4404 (review criteria) are included in your package.

The main revision in the definitions section is to the definition of subdivision. (Page 5 of draft) State law now requires that all municipalities use the same definition. While cumbersome, the proposed amendment copies almost verbatim the state definition of subdivision in the local ordinance definition section.

The next section I would like to focus on is the standards of subdivision review. (Page 16 of draft) In the current ordinance, the town has developed its own standards of review, which we use. The state standards of review, called review criteria, are also included in the town ordinance as part of the purpose statement. We don't refer to them often.

I have tried to take both sets of standards and merge them into one set. There is significant overlap in the standards, which makes this a reasonable approach. Unfortunately, later additions to the state standards are poorly drafted and in some cases are not formatted as standards at all. One of the goals of the Subdivision Ordinance overhaul is to bring the local ordinance into compliance with state standards. This section will need substantive discussion by the Planning Board and further refinement of this draft.

For now, what is depicted is a draft leading off with state standards, where local requirements are added to each state standard. There is some duplication but I didn't want to delete local standards before the Planning Board could discuss this. Following the State standards are the local standards that didn't fit under a state umbrella. This draft has room for significant improvement, but I wanted the Planning Board to be comfortable with this approach before I revise further.

Once we have the standards in good form, I can then work on the submission requirements with an eye to compatibility with the standards of review.