

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: June 18, 2013
SUBJECT: Normal High Water Line definition Zoning Amendment

Introduction

Following a request from the Code Enforcement Officer, the Town Council has referred to the Planning Board a request to amend the definition of normal high water line, which is crucial to the administration of the Shoreland Zoning requirements. The Planning Board discussed the amendment with the Code Enforcement Officer at the May 7th workshop, and also at the June 4th workshop. The amendment will be reviewed in accordance with Sec. 19-10-3, Zoning Amendments.

Procedure

- The Board should begin by summarizing the content of the amendment.
- The Board should open the item for public comment.
- At the close of public comment, the Board may begin discussion, including any revisions to the proposed amendment.
- At the close of discussion, the Board should table the amendment to the July 16th meeting, at which time a public hearing will be held.

Discussion

Code Enforcement Officer Ben McDougal has recommended that the town's normal high water line definition be replaced with the State Shoreland Zoning standard definition. The current definition results in a determination of the normal high water line that varies from case to case. The state definition, developed by the Maine Department of Environmental Protection (DEP), is more predictable and also supported by the decisions and case law experience of the DEP.

Motion for the Board to Consider

BE IT ORDERED that the proposed Normal High Water Line Definition Zoning Amendment be tabled to the July 16, 2013 meeting of the Planning Board, at which time a public hearing shall be held.