

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: July 16, 2013
SUBJECT: Building Permit Notification Zoning Amendment

Introduction

The Town Council has referred to the Planning Board an amendment, drafted by the Ordinance Committee, which requires a mailed notice be provided to abutters when certain building permits are issued. The Planning Board reviewed the amendment at the May 7th workshop and a public hearing has been scheduled for this evening. The Planning Board will review the amendment 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 public hearing.
- At the close of the public hearing, the Board may begin discussion, including any revisions to the proposed amendment.
- At the close of discussion, the Board may recommend the amendment to the Town Council or table it to a workshop for further revision.

Discussion

The proposed amendment is recommended by the Ordinance Committee and the Zoning Board of Appeals. Public comment in support and against the amendment has been received.

The intent of the amendment is to address complaints that an abutter's opportunity to review and/or appeal the issuance of a building permit is limited to 30 days from issuance of the permit. If the abutter does not learn of the permit within the 30 day period, an appeal is not timely. The Zoning Board has heard appeals and not allowed to decide on the merits of the appeal due to timeliness limits.

The proposed notification requirement would not apply to all building permits. The permits subject to a notice were selected based on past experience with controversial permits. Permits where the structure is expanded within 10' of the setback or within 125' of the normal high water line of coastal waters would

include a mailed notice. Staff estimates that in the range of 70 permits would trigger a notice annually.

The amendment also requires that abutters within 50' of the property line of the property where the building permit is issued would receive a notice. The amount of notices mailed has been an effort to balance reasonable notice with added staff burdens.

Motion for the Board to Consider

BE IT ORDERED that the proposed Building Permit Notification Zoning Amendment (be recommended/ not be recommended) to the Town Council for consideration.