

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: December 17, 2013  
SUBJECT: Normal High Water Line Zoning Ordinance Amendment

### Introduction

Following a request from the Code Enforcement Officer, the Town Council referred to the Planning Board a request to amend the definition of normal high water line, which is integral to the administration of Shoreland Zoning. The Planning Board tabled an amendment that would have recommended adopting the state model definition back to workshop following a public hearing July 16, 2013.

### Procedure

- The Board should begin by summarizing the content of the amendment.
- The Board should then 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 January 21, 2014 meeting of the Planning Board, at which time a public hearing will be held.

### Discussion

Following the July public hearing, the Planning Board tabled the normal high water line definition to a workshop in order to address concerns raised by the public that the draft definition was weakening Cape Elizabeth's historic strict regulation. Following a presentation by Peter Slovinsky of the Maine Geological Survey, the Planning Board revised the draft to refer to the "Highest Astronomical Tide" instead of the "Highest Annual Tide." The highest astronomical tide is a more stable number, based on 19 years of data averaged. In addition, Maine Geological Survey is recommending that the DEP change the state standard to highest astronomical tide.

The second major shift was to acknowledge the town's tradition of strict environmental regulation by building on the scientific basis of the highest astronomical tide and adding 3' of additional vertical elevation. General maps provided by Mr. Slovinsky showed the impact of the additional 3' in Cape

Elizabeth, which generally adds more setback to areas already experiencing flooding challenges. The additional 3' has little impact on most of the coastline. The most current draft amendments are attached. The additional 3 feet also begins to address the trend of sea level rise.

Motion for the Board to Consider

BE IT ORDERED that, based on information presented, the Cape Elizabeth Planning Board tables the Normal High Water Line Zoning Amendments to the regular January 21, 2014 meeting, at which time a public hearing will be held.