

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: November 4, 2015  
SUBJECT: Technical Amendments package

### Introduction

The Town Council authorized the Planning Board at the August 10, 2015 meeting to assemble a package of Technical Amendments. It has been the Town's practice to periodically assemble amendments to the Zoning Ordinance, and related ordinances, to clean up, clarify and update current ordinances. Unlike the last several packages of ordinances the Town has processed, a technical amendments package is not intended to include *major* policy changes. Technical Amendments are most often undertaken (1) to protect the town from unintended interpretations of existing ordinance provisions and (2) to improve customer service by adding clarity to existing regulations.

### Technical Amendments list

The following list describes the status of technical amendments drafted to date. Planning Board members should consider this a first working draft which will be discussed and revised.

1. **Site Plan Regulations** (Sec. 19-9). Complete draft beginning on page 7. This draft has been sent to several town staff for additional comments. This includes an expanded Waiver of submission requirements provision. A "clean copy" with changes accepted has also been provided for ease of reading.
2. **Minor Site Plan Amendments administrative approval** (Sec. 19-9-6). Complete draft on page 24.
3. **Update Site Plan references in zoning districts** (Sec. 19-6-2 and others, subsection F). As part of the Special Event Facility amendments, it was noted that references to site plan review located at the end of each zoning district should be updated.  
  
Not yet drafted.
4. **Private Accessway Performance Guarantee Option** (19-7-9 (D)(5)). Complete draft on page 5.

5. **Definition of a structure/dwelling unit** (Sec. 19-1-3). Partially drafted on page 2.
6. **Nonconformance** (Sec. 19-4). Partially drafted beginning on page 2.
7. **Building Permit notification requirement** (Sec. 19-3-3(D)(2)). Two years ago, a public notice requirement was added when a building permit is issued for a structure within 10' of the minimum property line setback. Staff is suggesting the Town consider exempting from the public notice sheds of no more than 150 sq. ft. in size.

Draft on hold pending further discussion and review of experience thus far.

8. **Affordable Housing** (Sec. 19-7-4). Complete draft of moderate income definition on page. 2.
9. **Minimum Inspection fee** (Sec. 16-2-6(d)). Complete draft on page 1.
10. **As Built Drawings** (Sec. 16-2-7 (f)). The Subdivision Ordinance requires the submission of as-built drawings when a subdivision is complete. Staff is recommending that a list of what must be included on the drawings should be updated. Clarification of whether as built drawings are required for private roads may also be appropriate.

Not yet drafted.

11. **Street Tree plantings** (Sec. 16-3-2(A)(7), Appendix C). Town staff is recommending changes to the street tree requirements in the Subdivision Ordinance, including increased spacing between the trees and variety in the type of trees planted.

Not yet drafted.

12. **Other plantings list.** The ordinance includes a recommended street tree plantings list. The Town received a suggestion that a list of other plantings be developed and that the list not include "invasive" species.

Not yet drafted.

13. **Stormwater Post construction requirements** (Sec. 18-4-6). As an MS4 community, the Town is subject to state and federal regulations on the control of stormwater. The most recent MS4 permit formalizes post-construction stormwater monitoring. Staff is recommending that, as part of Site Plan

stormwater standard, a note be added to all plans specifying post-construction monitoring.

Not yet drafted.

14. **Revise Subsurface wastewater system regulations to consider Sea Level Rise impacts.** For example, stricter standards may be appropriate for subsurface wastewater systems installed in vulnerable areas.

Not yet drafted.

16. **Incorporate Low Impact Development (LID) Techniques into the Zoning Ordinance.** Complete draft included in Site Plan amendments.