

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: December 1, 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, with revisions from the November 4th workshop incorporated.

1. **Site Plan Regulations** (Sec. 19-9). Complete draft beginning on page 8 with revisions based on comments from Ben McDougal, Steve Harding, John Wall and Tom Errico. The stormwater provisions need additional revision to be consistent with the new Stormwater Ordinance.
2. **Minor Site Plan Amendments administrative approval** (Sec. 19-9-6). Revised draft on page 27.
3. **Update Site Plan references in zoning districts** (Sec. 19-6-2 and others, subsection F). Draft begins on page 7.
4. **Private Accessway Performance Guarantee Option** (19-7-9 (D)(5)). Complete draft on page 8.
5. **Definition of a structure/dwelling unit** (Sec. 19-1-3). Revised draft on page 3.
6. **Nonconformance** (Sec. 19-4). Complete draft on page 6.

7. **Building Permit notification requirement** (Sec. 19-3-3(D)(2)). No change proposed.
8. **Affordable Housing** (Sec. 19-7-4). Complete draft of moderate income definition on page. 3.
9. **Minimum Inspection fee** (Sec. 16-2-6(d)). Revised 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.

No change proposed.

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.

Still coordinating with staff.

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.

Still coordinating with staff.

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.

Under revision.

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.

No changes proposed.

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