

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: January 5, 2016
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. The text changes are provided in two formats. One format shows all changes (deletions and additions) in red with the latest changes in yellow block. A second format showing all changes accepted and the newest changes in yellow block is easier to read. The descriptions below reference the format showing all changes and deletions.

1. **Site Plan Regulations** (Sec. 19-9). Complete draft beginning on page 12. This draft overhauls the submission requirements and review standards to align. In addition, the stormwater review has been fundamentally changed to more closely align with current practice. These changes capture substantial comments from Town Engineer Steve Harding (see his memo), Public Works Director Bob Malley and Stormwater consultant Kristie Rabasca.

Stormwater review and been separated into three types of projects. Projects with no increase in impervious surface up to 10,000 sq. ft. in impervious surface no longer require pre- and post calculations. There is a new requirement that some type of LID feature be added to the project.

Projects with 10,000 sq. ft. but less than 1 acre (43,560 sq. ft.) impervious increase now explicitly must be designed by an engineer. Pre and post development calculations are required, as well as an LID treatment.

The above two categories do not need to comply with the Stormwater Ordinance. For projects of these size, the Stormwater Ordinance provisions have not typically been applied, so the proposed changes reflect actual practice.

For projects with 1 acre+ of impervious surface, the Stormwater Ordinance applies. This is consistent with state and federal stormwater requirements.

All categories now explicitly require a maintenance plan for private stormwater infrastructure.

On page 16, staff suggests the Planning Board consider applying more of the post-approval requirements from the Subdivision Ordinance to Site Plan approvals. At this time, the performance guarantee and inspection fee requirements apply.

On page 20, staff suggests the Planning Board step back from the some of the native plants only proposal.

On page 29, staff suggests the specific parking screening provisions be deleted as they can be waived by the Planning Board and a more qualitative review of landscaping is currently done.

2. **Minor Site Plan Amendments administrative approval** (Sec. 19-9-6). Revised draft on page 32.
3. **Update Site Plan references in zoning districts** (Sec. 19-6-2 and others, subsection F). Draft begins on page 10.
4. **Private Accessway Performance Guarantee Option** (19-7-9 (D)(5)). Complete draft on page 11.
5. **Definition of a structure/dwelling unit** (Sec. 19-1-3). Revised draft on page 6. See also new definition of impervious area.
6. **Nonconformance** (Sec. 19-4). Complete draft on page 7.
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 6.

9. **Minimum Inspection fee** (Sec. 16-2-6(d)). Revised draft on page 1. The Planning Board should also review this section to consider applying more post-approval requirements to site plan approvals.
10. **As Built Drawings** (Sec. 16-2-7 (f)). On page 2, see updated reference for digital files on as-built plans.
11. **Street Tree plantings** (Sec. 16-3-2(A)(7), Appendix C). The Tree Warden has several recommendations for development standards intended to adjust and preserve the community forest. These include adjustments to the road tree planting standard, page 2, and changes to Appendix C, page 4. The Planning Board should note his suggestion that oaks and maples be removed from the street tree list in an effort to diversify the town forest.
12. **Other plantings list.** The Tree Warden will be providing comments, but is not recommending a "shrub planting list" be developed.
13. **Stormwater Post construction requirements.** The town's stormwater and post-construction stormwater ordinances have been moved into their own Chapter 25 Stormwater Ordinance (begins on page 34). Updating to Article 1 has been done primarily to reorganize the provisions that apply to Planning Board review.
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.

15. **Incorporate Low Impact Development (LID) Techniques into the Zoning Ordinance.**

Low impact development requirements have been added to the Stormwater provisions under Site Plan review (pages 19 and 24).

16. **Buffering.** On page 11, staff is suggesting that this stand-alone section be deleted. No authority is applying the section at this time. The Planning Board has no authority to apply this section unless it is a review standard. The Planning Board's review of subdivisions and site plans already includes buffering and landscaping standards. In addition, the Planning Board's practice is to require site specific buffering and landscaping plans, which are then covered by the existing performance guarantee provisions.