

**Draft  
MEMORANDUM**

TO: Cape Elizabeth Town Council  
FROM: Ordinance Committee  
DATE: May 19, 2011  
SUBJECT: Growth Area Recommendations

Introduction

At the December 13, 2010 meeting, the Town Council referred to the Ordinance Committee a review of the designated Growth Areas. The Ordinance Committee has met 6 times to review growth areas and is making the following recommendations.

Recommendations

1. A motion was made to move forward to make a recommendation in response to the Town Council charge to review the designated growth areas and not wait to collect further public comment.

Motion passed 2-1(Governali)

2. A motion was made not to recommend Option D: Eliminate Growth Areas.

Motion passed 2-1 (Governali)

3. A motion was made not to recommend Option C: No change to Growth Areas.

Motion passed 3-0

4. A motion was made not to recommend Option B: Increase clustering of new development through Zoning Ordinance Amendments.

Motion passed 3-0

5. Motion was made to retain the existing growth areas strategy and ordinances and to recommend specific map amendments to the Growth areas.

*Do you want to list the specific changes to the growth areas?*

Motion passed 2-1(Governali)

6. Motion was made to recommend to the Town Council that the FOSP Committee charge be amended to include a review of growth areas within their review of open space.

Motion passed 2-1(Swift-Kayatta)

*You discussed at the end of the meeting the desire to revisit #5 and #6 and potentially switch some votes.*

### Statements of Agreement

In the process of arriving at a recommendation for the Town Council, the Ordinance Committee prepared a list of statements to which they all agreed. These statements are listed below.\*

1. Not all development is sprawl.<sup>1</sup>
2. Compact growth, with clustering of homes and permanent open space preservation requirements, uses less land.
3. Cape Elizabeth is a suburb, with rural character<sup>2</sup> in some areas, and a town center.
4. Some farmland and woodlands<sup>3</sup> may be included in Growth Areas.
5. Providing municipal services to properly planned compact development usually costs less than providing municipal services to sprawl development. <sup>4</sup>

6. The Town should be proactive in planning for development that may occur.
7. The current growth management/zoning structure has had generally good results, but needs fine-tuning in the current environment.
8. Town growth areas should include the RC (infill) and the Town Center.
9. In general, growth areas should not include the “signature” or premier areas that embody community character.
10. Growth areas should be designated based on the following factors:
  - a. Proximity to infrastructure such as but not limited to: public sewer, existing neighborhoods, public open space and pedestrian facilities
  - b. Generally should not include “prime farmland,” but may include farmland
  - c. Should not include significant natural resources such as but not limited to:
    - RP1 wetlands,
    - RP1 wetland buffers,
    - RP3 100-year floodplains,
    - moderate or high value wildlife habitats as mapped by the Maine Department of Inland Fisheries and Wildlife (these areas are already included in the RP1 and RP1 buffer)
    - Coastal high hazard areas (already included in the 75’ Shoreland Zoning no-build setback)
  - d. Growth areas may include RP2 wetlands, floodplain (as long as no new buildings are

proposed in the floodplain), wildlife habitat areas where some disturbance still preserves wildlife habitat values.

11. The Town should not adopt agricultural zoning for farmland areas that restricts uses of the land to agriculture.

<sup>1</sup> Sprawl is a type of development that is auto-dependent, low-density and not related to planned growth strategies.

<sup>2</sup> Practice Community Character article

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\*In preparing the Statements of Agreement, the following resources were reviewed: 2007 Comprehensive Plan Vision Statement; Cape Elizabeth Growth areas; Aerial photos of each parcel in the RB District; Build-out analysis from the 2007 Comprehensive Plan (including the number of potential new lots/units in the RA, RB, RC, TC districts); Comparison of development design differences by zoning district and by traditional/clustered development; Review of undeveloped land in the RB District broken down by acreage in farmland, forested, and other; Comparison of Zoning District requirements; "Growing Wealthier with Smart Growth" article; "Practice Community Character," Zoning Practice, December 2010; Review of town policies/regulations directing development to growth areas; Review of implications of identifying growth areas; Infrastructure implications for 900 new lots/units; Review of neighborhood densities for: Elizabeth Park, Mountainview, Hampton Rd, Leighton Farms, Shore Acres, Olde Colony Lane, Sherwood Forest, Stonegate I-III, Stonegate IV, Elizabeth Farms, Cranbrook, and Dyer Pond; "Maryland Finding: Close-in housing has held value better" article; Review of potential for new development in the RB District as of 4/26/2011; "How do you define Sprawl" from Sprawl Guide; Review of Chapter 208, State Comprehensive Plan Rule Growth area definition and review criteria for future land use plan designations of growth area; Agricultural Resources Map from 2007 Comprehensive Plan; An

Examination of Market Appreciation for Clustered Housing with Permanent Open Space, 1990 Center for Rural Massachusetts; Review of FOSP Committee Charge;  
Review Sec. 19-7-2, Open Space Zoning provisions (Cape Elizabeth clustering regulations)