

## MEMORANDUM

TO: Cape Elizabeth Town Council  
FROM: Ordinance Committee  
DATE: May 27, 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 met 6 times to review growth areas. Members of the public attended every meeting and an opportunity for public comment was provided at the beginning and end of every meeting. The Chair of the FOSP Committee attended the last two meetings and provided input on item 6. The committee also received public comment by email.

The Ordinance Committee is making the following recommendation, which is intended to be considered as a package rather than as individual 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 or study the issue further.

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. A motion was made to retain the existing growth areas strategy and ordinances and to recommend specific map amendments to the Growth areas, as follows:

Turkey Hill Farm, R3-20 (see attached map)  
Loveitt Woods, R01-2 (see attached map)

**Notification to the owners, abutters and CELT should be provided for the above properties for the first time this item appears on the Town Council agenda.**

Motion passed 3-0

6. A motion was made to recommend that the Town Council amend the FOSP Committee charge to include a thorough review of growth areas, including a review of the definition of growth areas and the areas designated as growth areas within the context of expected growth, within their review of open space. This review shall include a meeting or meetings where public comment is solicited at the determination of FOSP.

Motion passed 3-0

#### 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 we voted 3-0 to accept. 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 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.
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. Note the number of new units expected during the Comprehensive Plan planning period has been recalculated from the 2007 estimates and the Town Council should revise those numbers to expect a lower amount of growth anticipated.
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. The Town Center could be considered a signature area and is considered a growth area.
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," as shown on the state agricultural soils inventory included on the agricultural resources map in the Comprehensive Plan, 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

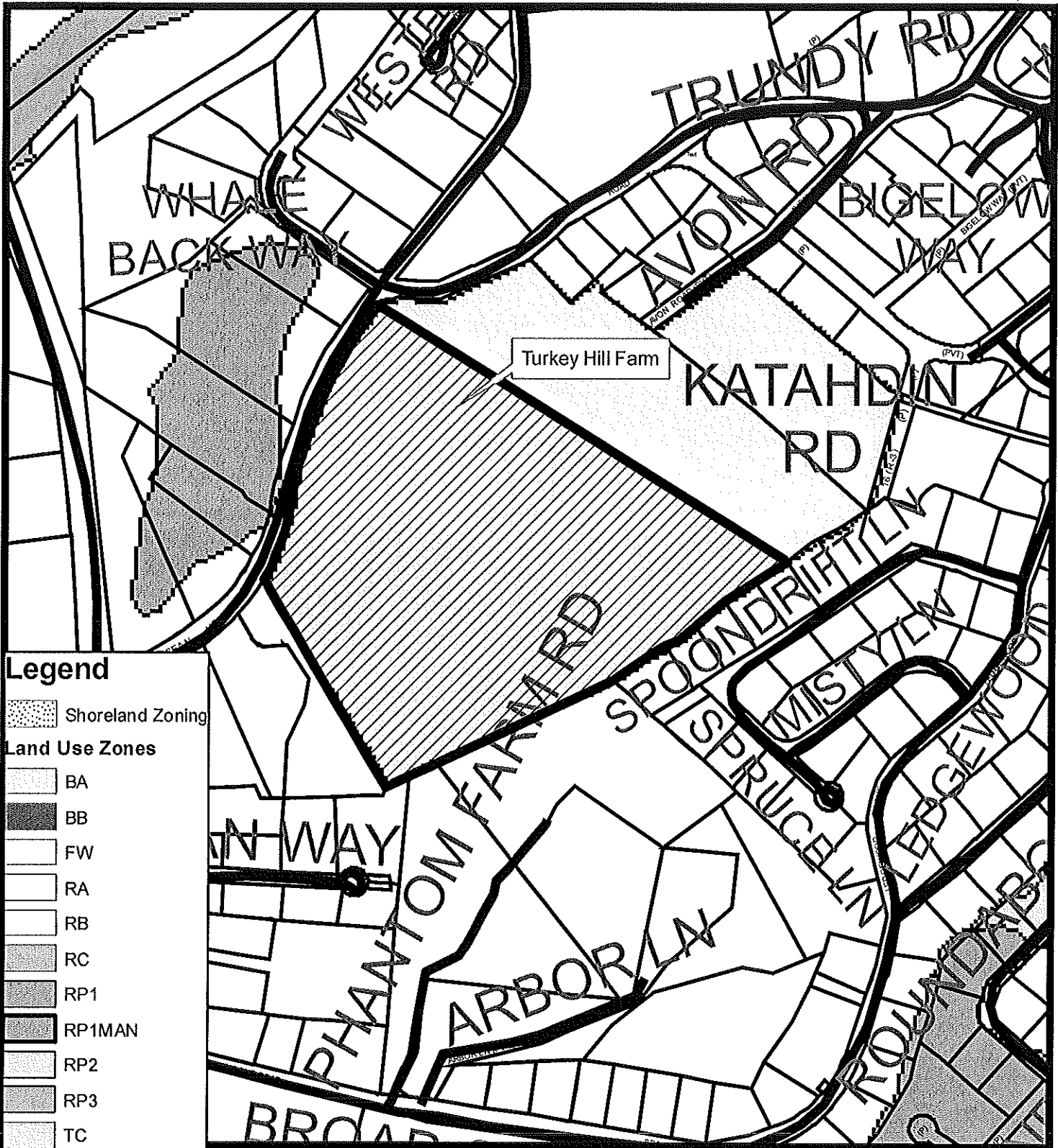
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\*In preparing the Statements of Agreement, the following resources were reviewed:
















1. 2007 Comprehensive Plan Vision Statement
2. Cape Elizabeth Growth areas
3. Aerial photos of each parcel in the RB District
4. Build-out analysis from the 2007 Comprehensive Plan (including the number of potential new lots/units in the RA, RB, RC, TC districts)
5. Comparison of development design differences by zoning district and by traditional/clustered development
6. Review of undeveloped land in the RB District broken down by acreage in farmland, forested, and other
7. Comparison of Zoning District requirements
8. "Growing Wealthier with Smart Growth" article
9. "Practice Community Character," Zoning Practice, December 2010
10. Review of town policies/regulations directing development to growth areas

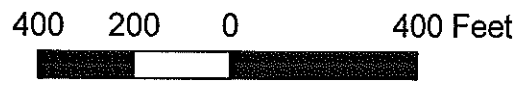
11. Review of implications of identifying growth areas
12. Infrastructure implications for 900 new lots/units
13. Review of neighborhood densities for: Elizabeth Park, Mountainview, Hampton Rd, Leighton Farms, Shore Acres, Olde Colony Lane, Sherwood Forest, Stonegate I-III, Stonegate IV, Elizabeth Farms, Cranbrook, and Dyer Pond
14. "Maryland Finding: Close-in housing has held value better" article
15. Review of potential for new development in the RB District as of 4/26/2011
16. "How do you define Sprawl" from Sprawl Guide
17. Review of Chapter 208, State Comprehensive Plan Rule Growth area definition and review criteria for future land use plan designations of growth area
18. Agricultural Resources Map from 2007 Comprehensive Plan
19. An Examination of Market Appreciation for Clustered Housing with Permanent Open Space, 1990 Center for Rural Massachusetts
20. Review of FOSP Committee Charge
21. Review Sec. 19-7-2, Open Space Zoning provisions (Cape Elizabeth clustering regulations)

# Ordinance Committee Growth Areas Recommendation Turkey Hill Farm



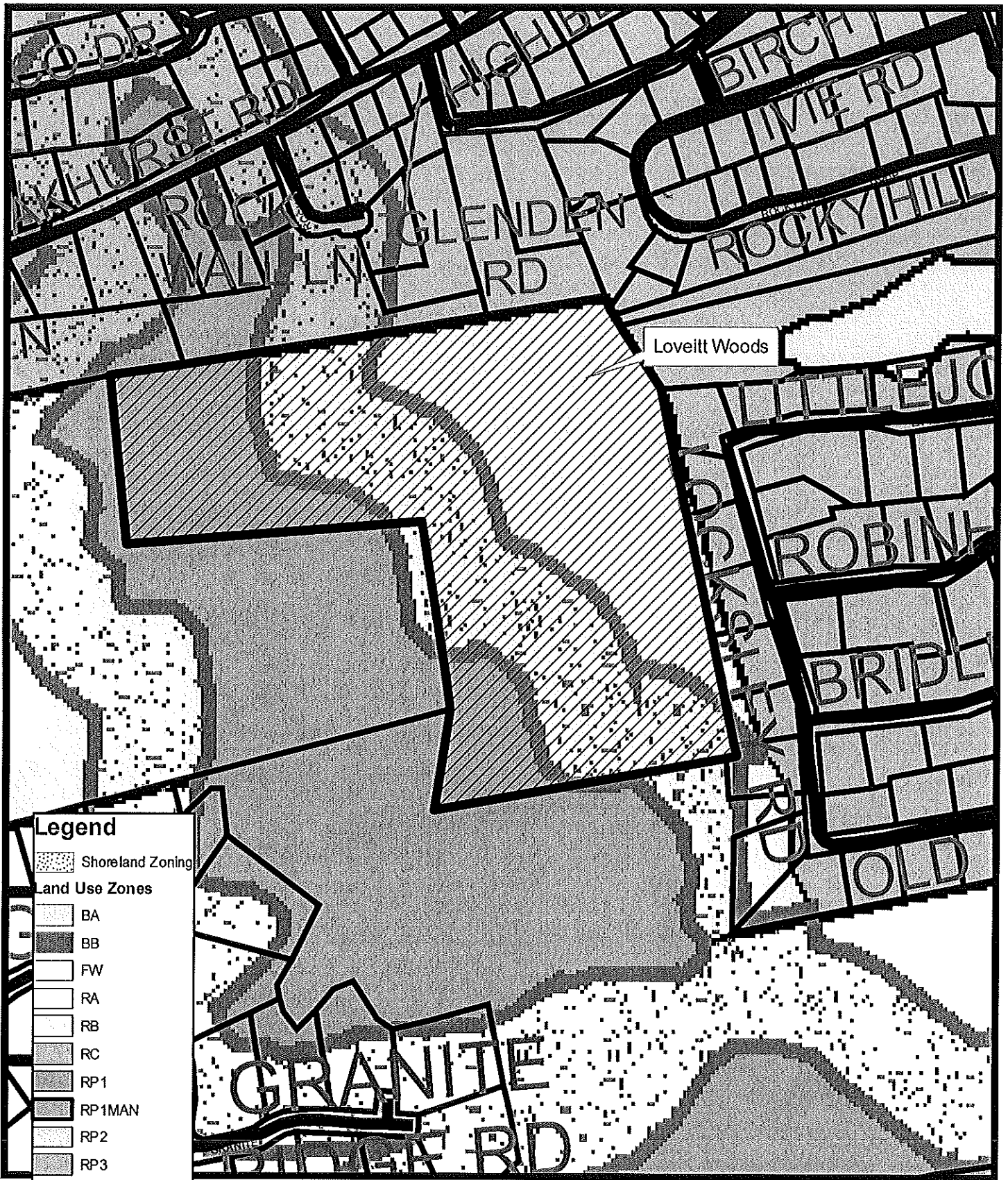
**Legend**

-  Shoreland Zoning
- Land Use Zones**
-  BA
-  BB
-  FW
-  RA
-  RB
-  RC
-  RP1
-  RP1MAN
-  RP2
-  RP3
-  TC
-  TCCS
-  TFD
-  WATER



Prepared by the Planning Office 5/27/2011

# Ordinance Committee Growth Area Recommendations Loveitt Woods



**Legend**

	Shoreland Zoning
<b>Land Use Zones</b>	
	BA
	BB
	FW
	RA
	RB
	RC
	RP1
	RP1MAN
	RP2
	RP3
	TC
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