

PACKET NOTES: Prepared for Selectmen’s agenda
5/11/2011

By the ORDINANCE REVIEW COMMITTEE

Reminders:

- FEE SCHEDULE review workshop

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NOTE: Please note that the ordinance committee’s packet prepared for 4/13/2011 will be used to review **old business** on the 5/11/2011 agenda. This packet will be used in taking up **new business** items on 5/11/2011.

5/9/2011 8:10

ORDINANCES ADOPTED BY REFERENCE

Team	submitted	1 st Reading	2 nd Reading	Town Meeting	Notes
	12/01/10	12/08/10	?		
Dog Control	12/01/10	12/08/10	?		
	01/12/11	?			
Solid Fuel Stove Safety	01/12/11	?			
	04/05/11	?			
Public Swimming Pool	04/05/11	?			
					work has begun
Dance Hall					
					A preliminary draft is still in committee
Special Amusement					
	11/18/09	07/14/10	10/13/10	11/20/10	
Victualers License	11/18/09	07/14/10	10/13/10	11/20/10	
	12/01/10	02/09/11	05/11/11	2011	
Solid Waste Facility	12/01/10	02/09/11	05/11/11	2011	
	02/09/11	02/09/11	NONE	2011	
Licenses and Permits	02/09/11	02/09/11	NONE	2011	

EXISTING WITH POTENTIAL SECTION REVIEW

Coastal Waters Sec. 13.5 and 13.6					
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POTENTIAL NEW ORDINANCES

Weight Limit Posting Roads	hm	06/30/10	07/14/10	09/08/10	11/20/10	
Cemetery Committee	dd					
Road Plan Committee	hm-jw	08/27/10	10/13/10	12/08/10	2011	
		08/27/10	10/13/10	12/8/2010	2011	
Capital Projects Committee	jw	08/27/10	10/13/10	1/12/11	2011	
Chandler's Field	dd,lb,kh					the group has met and begun work
Docks and Wharves	kh-hm					
Bicycles on Public Ways	dc					
Property Assessed Clean Energy (PACE)	bh	11/08/10	01/12/11	NONE	02/12/11	moved to TM with expected edits
Wind Turbine Ordinance	bh					
Firearms	jw	04/05/11	05/11/11		2011	

CENTRALIZE FEE & PERMITS

Authorize BOS to set fees	hm	08/27/10	10/13/10	12/8/2010	2011	PENDING A SELECTMEN'S WORKSHOP
				5/11/2011		

To: Board of Selectmen
From: Herb Maine, (Ordinance Review Committee)
Cc: Erik Dyer
Date: 05/9/2011
RE: Proposed Ordinance list for 6/4/2011 warrant

Summary of potential ordinances for inclusion in the warrant for the Annual Town Meeting June 4, 2011

- 1) Ordinances Approved by the Board:
 - a) Capital Planning and Finance Committee – to form a new committee
 - b) Road Plan Committee – to form a new committee
 - c) Licenses & Permits – to repeal an ordinance adopted by reference
 - d) Amend Selectmen's Ordinance – to allow central, Selectmen Fee Schedule.
 - e) Solid Waste Facility Ordinance – to replace an ordinance adopted by reference
- 2) Ordinances that could still be considered for the 6/4/2011 Town Meeting
 - a) Firearms ordinance: A proposed firearms ordinance has been circulating in the community and it was on an agenda but tabled. Being a relatively simple ordinance it could be included on the agenda for 6/4/2011.
 - b) Action by the Board on 5/11/2011 in response to a memo dated 5/9/2011 regarding the Growth Management ordinance could generate a warrant article.

To: Board of Selectmen
From: Herb Maine, (Ordinance Review Committee)
Cc: Eric Dyer
Date: 05/9/2011
RE: Proposed Ordinance Growth Management [PRELIMINARY]

Current Status: The Growth Management ordinance was adopted on 1/1/2007 and was the result of work accomplished by the transition committee. It is a well-written 7 page document. This memo is being issued in response to an observation made to the Ordinance Review committee by the Code Enforcement Officer (CEO) who has suggested it may need review and possible amendments.

Perceived Need: On May 3, 2011 I received an email from Ron Tozier, (CEO) for the Town of Chebeague Island, asking if the Ordinance Review committee was reviewing the Growth Management ordinance. I responded indicating that it was not currently on the list to review. After a brief email correspondence Ron and I spoke by phone twice. Those conversations have informed the remainder of this memo. Beth Howe, who was copied on the email, is out of the country and has not had the opportunity to weight in.

Benefits: The ordinance is intended to control growth by limiting new development. The object appears to be to provide some assurance that any growth can be supported by existing infrastructure along with planned improvements.

Risks: As expressed by the CEO the risk to the community from the ordinance as it is currently worded is that there may be years where desirable development is curbed because the ordinance is restrictive and has little flexibility.

Research: The research in bringing this matter to the Board was limited to two conversations with the CEO, a reading of the ordinance and a very cursory scan of the draft Comprehensive Plan.

The ordinance allows each calendar year 4 permits for new dwellings and 2 additional permits if they are for affordable housing projects undertaken by a not for profit corporation. Certain exceptions apply. The CEO knows of three individuals and a 2-unit affordable housing project that are likely to request permits leaving only one permit for the remaining calendar year. One permit has actually been issued to date.

Permits are valid for 90 days and cost \$100.

The Ordinance states in section 111 that the Board of Selectmen should review the ordinance in 2009 and that the Planning Board should review it at least every three years. To the best of my knowledge neither review occurred in the first three years.

The Comprehensive Plan discusses the Town of Cumberland Growth cap of 3 houses per year that led to 'rush on the bank' when 23 applications were submitted in 2001 (12 were ultimately granted). Other than that the document doesn't mention "growth management"

or “growth permits” and the concept of growth permits may be supplanted by the discussion of “growth areas”.

Options: If the Board agrees with the CEO then action could be taken to make the ordinance more flexible including:

- 1) A provision to authorize the Planning Board to extend the number of permits issued in a particular year after hearings and based on specific criteria.
- 2) An increase in the number of permits allowed.
- 3) A provision to expand the time window – for example 10 in any two years, 20 in any 5 years. This would allow for small variations in economic cycles.

These are obvious options; a full review would likely consider others as well.

Recommended Action: There appears to be a reasonable cause for review given the CEO’s observations and the requirements of the ordinance itself. Without specific evidence of a negative impact this year it is recommended that the Board of Selectmen notify the Planning Board of the CEO’s observations and recommend a review be carried out before the 2012 Annual Town Meeting.