

MEMORANDUM

TO: Ordinance Committee
FROM: Maureen O'Meara, Town Planner
DATE: March 16, 2011
SUBJECT: Growth Areas Review

At the February 16, 2011 meeting, the Ordinance Committee reviewed aerial photos of the RB District and other information. At the conclusion of the meeting, the committee requested additional information, which is presented below.

1. What specific town policies/regulations direct development to Growth Areas?

The State Comprehensive Planning Rules require that towns designate growth areas (unless they qualify for an exemption) and that policies and regulations be adopted that direct growth to the growth areas. This does not mean that growth cannot occur outside a growth area, and in fact it is expected that some growth will occur outside growth areas. It should be emphasized that these policies do not promote new development, but rather *direct* development that might otherwise occur, to specific areas of town. The 2007 Comprehensive Plan includes an analysis (also required by state rules) of how much growth occurred in growth areas versus rural areas during the last planning period (page 145). This analysis shows that Cape's current policies have been very effective in directing new development to growth areas.

What are these policies?

- a. **Comprehensive Plan direction.** The Comprehensive Plan, adopted by the Town Council, identifies growth areas. This policy statement suggests to potential land developers that the risk inherent in land development will be less for proposed development in growth areas than non-growth areas. Land developers seeking Planning Board approval will always emphasize when their development is proposed in a growth area.
- b. **Sewer.** The Town Sewer Ordinance restricts where the Town Council may grant permission for sewer to be installed, even at private expense. The Sewer Ordinance explicitly states that land developers may petition to have growth areas designated as sewer service areas, providing permission to extend sewer to new development. Sewer often enhances the development potential,

both under the Zoning Ordinance and due to physical constraints of land.

The Town has also endorsed adding new sewer users to the sewer system in order to share the cost of the existing sewer infrastructure, hoping to ease sewer rates for all sewer users. Provision of public sewer is also valued as a more environmentally responsible approach to sanitary waste disposal. The Cape Elizabeth Planning Board has been a supporter of public sewer even when it is not required for new development.

- c. **Zoning District densities.** Cape Elizabeth has created 3 residential zoning districts, with decreasing levels of density allowed. The two growth areas, RC (infill) and RB have the higher densities. In addition, the RB District has a two-tiered density that allows greater density if the project will be served by public sewer. This two-tiered density is specified in the Open Space Zoning Provisions (Sec. 19-7-2). A two-tiered system is also available in the RA District, but even with public sewer, the density is higher in the RB.

The importance of density to direct growth is that it enhances profit because more lots/units can be developed. Land value and project value is determined much more by the number of units that can be developed than by the total land size. This approach uses the market to implement the town policy to direct new development to growth areas. It does not, however, prohibit land owners in the RA District from choosing to develop their land.

- d. **Open Space Zoning Provisions.** Sec. 19-7-2 of the Zoning Ordinance includes cluster development provisions that both provide incentives to land developers and advance town goals. These provisions are mandatory in the RB District (growth area), and optional in the RC and RA Districts. The provisions encourage clustered development rather than traditional subdivisions.

2. What are the implications of identifying growth areas?

Growth areas, accompanied by the requirements of Open Space Zoning, promote compact growth rather than sprawl type growth. The implications for identifying growth areas are the same as the advantages of compact development. Some of the most significant advantages are summarized below.

- a. **Advancing town goals.** Clustered or “Open Space Zoning” developments must comply with development standards that implement town goals, such as preservation of open space, preservation of wildlife habitat, recreation, public sewer user expansion, affordable housing and community character. A fuller description of the benefits of compact development is in the comprehensive plan.
- b. **Cost/efficiency.** Clustered development can be 8%-12% less expensive for municipalities to provide services. For example, clustered developments include less miles of roads to maintain or drive a school bus on and less stormwater management because impervious surface is reduced.

3. What are the infrastructure implications for 900+ new lots/units?

Current growth estimates suggest that 10 ± lots/units might be added each year, so the addition of 900 lots/units will be spread over decades. Generally, in the near term, current infrastructure should be adequate to support this pace of development. This is a very cursory overview of community impact from growth and vastly oversimplifies an assessment of town department responsibilities and needs and should not be used out of the context of the growth areas review. Below is a summary of the elements of the community impact assessment.

- a. **Traffic systems.** The comprehensive plan reviewed the capacity of town roads. No roads are considered congested or safety hazards. No intersections are listed as hazardous. The town center intersection (Route 77/Scott Dyer Rd/Shore Rd) appears to be the only intersection that might require upgrade in the future.
- b. **School.** See attached enrollment study summary.
- c. **Police.** If town population increases, the most likely needs in the Police Department would be to increase time for a detective, add a patrol and potentially add a school resource officer.
- d. **Fire.** Because housing in Cape Elizabeth is generally well-kept, the on-call Fire Department is not identifying any infrastructure challenges related to anticipated growth.
- e. **Rescue.** The on-call Rescue is currently handling about 400 calls a year. Once the number of calls reaches 480-500 annually, there will

probably be a need for full-time staffing. The time of day of a call or the frequency of multiple calls at the same time also is a factor. Even without additional growth, calls are expected to increase with the aging population.

- f. **Solid Waste.** The trend is toward more recycling, which could offset any increase in waste from growth. There is adequate space to handle an increased volume of recycling, but hauling of recyclable materials may need to increase.
- g. **Road maintenance.** There are currently 62 miles of road to maintain. Current levels provide for plowing of a route every 3.5 -4 hours. If road miles expand so that it takes 4.5 or more hours to plow a route, adding a staff person to Public Works plus equipment would need to be considered. It was noted that road layout has as much influence on this as miles of road. A connected road system takes less time to plow than a road system with lots of dead ends. This person would not just be added for snow plowing, but also for the annual maintenance needs. The existing building is adequate.
- h. **Stormwater.** Stormwater and its associated infrastructure is a growing responsibility for the Public Works Department now due to federal and state regulations. Increased demand for maintenance of stormwater infrastructure will occur without any increase in growth.
- i. **Sewer.** The town has contracted for additional capacity for the northern sewer system with the City of South Portland and this capacity should accommodate anticipated growth. Aside from demands from growth, both the northern and southern sewer systems continue to demand upgrades to reduce groundwater infiltration.
- j. **Recreation.** Demands for recreational facilities could dramatically change with the demographic shift to an older population, in particular dampening any need to increase ballfield capacity.
- k. **Wildlife Habitat.** The existing significant wildlife habitats are already protected by the town's wetland and shoreland zoning regulations and protected habitat areas will increase as part of new development review.

4. Development Potential Spreadsheet Review

Attached is a spreadsheet developed during the Comprehensive Plan review in 2007 estimating build-out capacity using current zoning. A build-out analysis is a tool that can be used to plan for potential additional development. It is not, by itself, a goal to achieve this level of development. In addition, the analysis *should not* be used to determine the build-out potential of individual lots as it is not accurate at that level. Below is a description of the columns displayed in the printout.

- Column A: Map-Lot number from the Assessor’s database
- Column D: The estimated number of lots that could be developed from that lot, after deducting for wetlands and typical inefficiencies of land division.
- Column J: The estimated number of lots that could be developed from the lot if the Comprehensive Plan recommendations were implemented.
- Column L: The minimum lot size from current zoning.
- Column M: The current Zoning designation of the lot.
- Column N: The area of the lot that can be developed after wetlands are deducted.
- Column O: Whether the lot currently has a principal structure on it (1) or is vacant (0).
- Column P: The ratio used to determine how efficiently the lot could be divided.
- Column Q: Whether the lot is located in a Sewer Service Area (1) or not (0).
- Column R: Property owner in 2007
- Column T: Address of property owner
- Column Z: Gross square feet of lot before wetlands and efficiency is calculated.

Based on this analysis, development potential in each zoning district is estimated as follows (rounded to the nearest 10):

<u>Zoning</u>	<u>Total Developable Area (acres)</u>	<u>Total Lot/unit Build-out Current Zoning</u>	<u>Percentage Distribution</u>	<u>Total Lot/unit Build-out w/ Comp Plan</u>	<u>Percentage Distribution</u>
RA	2330	670	46%	670	42%
RB	420	260	18%	400	25%
RC	210	450	31%	450	28%
TC	10	50	3%	50	3%
BA	1	3	0%	5	0%
BB	30	20	1%	20	1%

1453 100% 1595 100%

If you concur that directing new development to growth areas is a good policy, the comprehensive plan recommendations are consistent with that policy by shifting overall growth to the RB District and reducing the percentage of total growth in the RA. As a reference, the town currently has a total of 4,384 lots, of which 3,712 are residentially developed.

5. Typical Neighborhood Densities

Ordinance Committee members asked for a reference point from which to visualize density. Below is a list of randomly selected neighborhoods and the average lot size in those neighborhoods, listed from smallest to largest average lot size. Maps of the neighborhoods are also attached.

<u>Neighborhood</u>	<u>Average lot size</u>
Elizabeth Park	8,023 sq. ft.
Mountainview	12,211 sq. ft.
Hampton	14,831 sq. ft.
Leighton Farms	14,922 sq. ft.
Shore Acres	23,427 sq. ft.
Olde Colony Ln	24,295 sq. ft.
Sherwood Forest	25,984 sq. ft.
Stonegate I-III	45,206 sq. ft.
Stonegate IV	71,358 sq. ft.
Elizabeth Farms	100,327 sq. ft.
Cranbrook	135,453 sq. ft.
Dyer Pond	314,394 sq. ft.

Stonegate was included in two parts because it provides a unique example of how development is influenced by the availability of public sewer. It should also be noted that some of these neighborhoods were created with substantial additions to the town owned permanently protected open space inventory.

As part of the Ordinance Committee’s density discussion, the committee may also want to reference the February 16, 2011 memo that compared clustered and traditional subdivisions.

