

**Draft
FOSP
Open Space Preservation Process**

6. FOSP shall recommend a process/mechanism for evaluating open space opportunities and proactive acquisition identification, including but not limited to identifying criteria for open space priorities and a party or parties responsible for making open space recommendations to the Town Council.

The FOSP Committee spent considerable time reviewing existing town open space, and land with significant agricultural activities, wildlife habitat, land with greenbelt trail connection potential and large undeveloped lots. The committee attempted to create a “key parcels list.” Ultimately, the committee recommended that a defined process for ongoing open space evaluation and preservation is preferable to a static list of property, some of which may be privately owned.

The committee also reviewed open space criteria used in other communities and created a matrix of common elements. Open space elements significant in Cape Elizabeth were also added to the list. Committee members then voted on the highest priority criteria.

In the review of open space criteria used elsewhere, it was noted that some communities established criteria that essentially made it possible for any land in the community to be eligible for open space preservation. Other communities attempted a more rigorous prioritization that would focus preservation efforts on the most important areas. The committee discussed the two approaches and decided to create a list that emphasized priorities rather than all-inclusiveness.

Recommendation: FOSP recommends that the Conservation Commission duties and authority be revised as necessary to task it with primary responsibility for open space evaluation and preservation recommendations to the Town Council.

Current Status

The Conservation Commission is currently a 7 member volunteer board appointed by the Town Council for staggered 3-year terms. Chapter 4, of the Boards and Commissions Ordinance, establishes the Conservation Commission as follows:

Article V. Conservation Commission.

Sec. 4-5-1. Establishment. The Cape Elizabeth Conservation Commission, established by vote of the Town Council on April 26, 1971,

shall be governed by and shall exercise and perform such rights, powers and duties as may be conferred or imposed under the provisions of the Maine Revised Statutes Annotated (including 30 M.R.S.A., Sec. 3851), local ordinance and regulations thereunder, and as the same may from time to time hereafter be amended.

Sec. 4-5-2. Membership. The commission shall be comprised of seven (7) members, residents of the town appointed by the Town Council, who shall serve without compensation for staggered three(3) year terms. Any vacancy shall be filled by appointment by the Town Council for the duration of the unexpired term. [Amended 3/12/90, Eff. 4/11/90].

The responsibilities of the Conservation Commission are laid out in greater detail in the Management of Greenbelt and Open Space Management Plan adopted by the Town Council May 14, 2012.

The Conservation Commission is an advisory 7-member board appointed by the Town Council. It is the steward of the greenbelt trail system and provides advice to the Town Council on all Town open space, except for Fort Williams Park. The Conservation Commission prepares, for Town Council consideration, policy documents, and recommended updates for the greenbelt plan and for master plans for other open space/conservation lands. Annually, the Conservation Commission reviews the condition of greenbelt trails and identifies needed improvements. It recommends to the Town Manager funding needs for the acquisition and stewardship of open space.

All volunteer efforts to alter greenbelt trails or open space are reviewed by the Conservation Commission. The Conservation Commission undertakes many maintenance and construction improvement projects on greenbelt trails. Activities that fall within policies already adopted by the Town Council may be approved by the Conservation Commission. Project proposals that are not within previously approved Town Council policies are reviewed by the Conservation Commission, which then provides a recommendation for Town Council consideration.

The Conservation Commission also responds to Town Council requests for recommendations.

In practice, the Conservation Commission has previously undertaken the following:

1. Prepares the Town Greenbelt Plan, which includes recommendations for extensions of the Greenbelt Trail network and open space preservation;
2. Identifies and recommends additions to town open space;
3. Meets with property owners who would like to donate or sell property as open space to the town;
4. Evaluates potential land acquisition in relation to town open space goals; and
5. Provides recommendations to the Town Council for open space acquisition and maintenance.

Proposed Open Space Evaluation and Preservation Program

FOSP recommends that the Conservation Commission be charged with a standard program for identifying, evaluating and recommending open space preservation. This program would be structured to include the following elements, and at each stage would include updates to the Town Manager.

Identification

The Conservation Commission will periodically undertake a review of existing open space and identify areas or specific parcels desirable for addition to the open space system. Identification shall focus on land that meets one or more of the open space criteria, but other parcels may also be considered.

The identification process should include a public participation component that invites suggestions and input all members of the public and stakeholder groups. If specific parcels held in private ownership are under consideration, the Conservation Commission shall endeavor to meet with the property owner prior to making a recommendation.

The periodic review shall conclude with a list of areas or parcels for future consideration for preservation.

Evaluation

Following completion of a periodic identification process or in response to a specific parcel under consideration for preservation, the Conservation Commission shall evaluate the merits of the land as an addition to Town open

space. The Conservation Commission shall use the following criteria, and may also refine the criteria.

1. Agriculture

Undeveloped lands used for agriculture.

2. Greenbelt trails and recreation areas

Land identified in the 2001 Greenbelt Plan.

3. Wildlife Habitat

Undeveloped lands that provide a habitat for wildlife as identified by State of Maine data such as the Beginning with Habitat information and field verified.

4. Other

Significantly scenic, cultural and/or unique properties identified by the Town Council using a public process.

Recommendation

At the completion of its evaluation, the Conservation Commission shall forward its recommendations to the Town Council. The Conservation Commission shall describe how recommended land meets the criteria and include any other factors which contributed to its recommendation.

The Town Council, in accordance with Town Charter, shall make all final decisions regarding town open space preservation.