

Growth Planning Committee – Land Use Sub-Committee
Comprehensive Plan Proposals

**STATE GOAL – ORDERLY GROWTH AND DEVELOPMENT WHILE
PROTECTING RURAL CHARACTER AND PREVENTING SPRAWL.**

**STATE GUIDELINES: DESIGNATE “GROWTH” AND “RURAL” AREAS, CREATE
GREENBELTS, PUBLIC PARKS, CONSERVATION EASEMENTS.**

TOWN GOAL 1: Rearrange all Land Use Ordinances (LUO’s). –

Policy 1: Codify and annually update all Land Use Ordinances, including annotated maps, so they are logically sequenced and well indexed.

Strategy 1: Use professional planning services and community resources for the update.

Strategy 2: Updated copies of the Land Use Ordinances and maps will be in the Code Enforcement Office for town use and public purchase.

Strategy 3: Annual line item budgets will include money for updates.

TOWN GOAL 2 – 25% of land shall be in conservation.

**see policy 2 strategy 1 for rationale*

Policy 1: Identify current lands in conservation.

Strategy 1: Identify conservation lands belonging to Rachel Carson Wildlife Refuge, Kennebunkport Conservation Trust, Town Forest, and the State of Maine.

(As of this writing – Rachel Carson Wildlife Refuge holds 680 acres in Kennebunkport

- Town Forest is approximately 1100 acres

- Kennebunkport Conservation Trust 850 acres

- State of Maine - 2 acres (Western Goosefare Rocks)

TOTAL – 2632 acres or approximately 14% of total town acreage of 19,050 acres

The town will be transferring 750 acres of Town Forest to the Trust in the coming year. While the Town Forest total will be lowered, the Trust total will rise an equal amount, with the total conservation acreage remaining the same. In addition to these conservation lands, 1400 acres of land in Kennebunkport is in tree growth, open space, or agriculture.)

Policy 2: The town shall establish a plan for evaluating and transferring lands for conservation and/or preservation.

Strategy 1: Preserve lands identified as important for conservation and preservation.

A survey of the town of Kennebunkport was completed in 2001 regarding the towns natural resources. The outcome of that survey is a three-ring binder with associated maps. A copy is in the possession of Southern Maine Regional Planning Commission(SMRPC), the Kennebunkport Town Manager, the Growth Planning Committee, and the Conservation Committee. The report is titled “Beginning with Habitat an Approach to Conserving Open Space”.

High value wildlife habitat has been mapped,including, the location of deer yards, endangered species, wetland complexes, and large undeveloped blocks of land. According to Donald Cameron, Botanist-Natural Areas Program, ME Dept of Cons, Kennebunkport harbors one of the largest remaining contiguous blocks of forest left in the coastal region between Kittery and Brunswick. In addition, the habitat of Kennebunkport has strong regional significance. Most of the entire town is contained in the Biddeford/Kennebunkport Vernal Pool Complex Focus Area as identified by the Maine Natural Areas program (MNAP). This is an unusually dense concentration of vernal pools that provides habitat for several rare plant and animal species such as pale green orchis, smallreed grass, Blandings turtle, and spotted turtle. This vernal pool complex is one of only three similar high-density complexes known to exist in all of New England (according to Philip deMaynadier, Endangered Species Biologist with Maine Department of Inland Fisheries and Wildlife (IFW). Large unfragmented blocks of the size found in the northern and eastern portions of Kennebunkport are increasingly rare in southern Maine and need to be conserved if existing species diversity is to be maintained(Maine Department Inland Fisheries and Wildlife Beginning With Habitat manual). This large block area of Kennebunkport also contains a Deer Wintering Area (DWA) as defined by IFW and approximately 2 miles of riparian habitat rated as high value by the USFWS Gulf of Maine Project.

Based on the above data, 25% appears to be a reasonable goal.

Strategy 2: Identify all lands with unknown owners and pursue for appropriate use by town.

Policy 3: Preserve and protect scenic vistas, wildlife habitats, natural areas, and archaeological and historic sites.

Strategy 1: Identify and map priority areas

Strategy 2: Recommend that the town with the aid of professional planners and the Kennebunkport Conservation Trust, work with landowners to acquire development rights.

Strategy 3: Establish a fund for land conservation to be appropriated on an annual ongoing basis.

Strategy 4: Consider using funds from the sale of tax acquired properties to purchase conservation lands.

Strategy 5: Evaluate all town lands including tax acquired properties and properties with unknown owners for use as conservation lands before considering sale.

TOWN GOAL 3: Encourage growth adjacent to current village centers, compatible and integrated with the existing areas.

Policy 1: Designate growth areas. *Designation as a growth area would allow for smaller lot size and specific types of commercial growth. The idea is to concentrate new growth in appropriate areas and to decrease sprawl.*

Strategy 1: Designate Town House as a growth area.

Strategy 2: Designate the Free Enterprise Zone immediately adjacent to the Village Residential Zone as a growth area.

Strategy 3: Investigate the economic feasibility of the extension of sewer and utilities to the designated growth areas.

Strategy 4: Rezone designated growth areas to reflect the changes in use and patterns of development.

Strategy 5: Consider having town or other third party hold the title to the conservation land set aside in cluster sub-divisions for public use.

Policy 2: Define a utility plan.

Strategy 1: Use existing utility lines to designate near term growth areas, except in environmentally sensitive areas.

Policy 3: Define long-range plan for sewer.

Strategy 1: Sewer should serve existing homes in high density sensitive areas (i.e. wetlands – fresh and marine).

Policy 4: Maintain small town “feel”.

Strategy 1: Encourage neighborhood style development in population centers, with connecting streets, essential services, and space for the growth of neighborhood small scale commercial and professional services. Neighborhood Small Scale Commercial to be defined in the Land Use Ordinance as including : grocery stores, gas stations, hardware stores, barber/beauty shops, and the like.

Strategy 2: Consider changing dimensional requirements in proposed growth areas.

Strategy 3: Maintain current pattern of winding roads.

Strategy 4: Institute the master plan for sidewalks and require sidewalks in developments.

Strategy 5: Institute a master plan for bike paths.

Strategy 6: Establish a capital expenditure fund for sidewalks and bike paths.

Strategy 7: Promote the placement of utilities underground.

Strategy 8: Require buffers of trees and sections of open vistas along roadways.

TOWN GOAL 4 – Protect open fields, forests, and wetlands.

Policy 1: Provide for emergency services.

Strategy 1: Require owners of forest land to maintain adequate fire lanes.

Strategy 2: When transferring land from municipal to private ownership, maintenance of fire lanes will be a condition of transfer.

Strategy 3: Establish the criteria for driveways to ensure ingress and egress for emergency vehicles in conformity with National Fire Protection Association standard 1, 1997 or latest revision.

Strategy 4: Encourage the development of ponds for fire safety.

Policy 2: Protect from over development.

Strategy 1: Discourage cluster development in areas without public water and sewer.

Strategy 2: While retaining the current 48 growth permits per year, modify the Growth Cap Ordinance to limit the number of growth permits in the Farm and Forest (Rural) Zone.

Strategy 3: Encourage land owners to put land in Conservation easement or trust. *A conservation easement is a voluntary agreement between a property owner and a land trust or local government that limits or prohibits future development of the property. Land under conservation easement is taxed at a rate reflecting its reduced value.*

Strategy 4: Study the feasibility of creating a separate Forest(Rural) Zone with larger minimum lot size and setbacks.

Policy 3: Preserve ambience of the area.

Strategy 1: Require all structures to be placed as far from open fields and wetlands as possible. Provide incentives: i.e. variance in dimensional requirements.

Strategy 2: Maintain existing buffer areas along roads in the Farm and Forest and Free Enterprise Zone.

Strategy 3: Designate either specific zones for commercial use in the Farm and Forest and Free Enterprise Zones and/or establish standards in the LUO to ensure compatibility with residential land uses.

Strategy 4: Consider encouraging farming by using development rights credits or similar incentives. *In a program of this type, the town designates forested or agricultural areas it would like to preserve. Developer's can then purchase development rights from landowners in these zones. The farm and/ or forest lot is protected from development, the landowner receives an influx of cash, and the developer earns the right to decrease lot size and increase density in designated growth areas close to established town and utility services.*

TOWN GOAL 5 – Ensure Orderly Growth

Policy 1: Encourage growth management.

Strategy 1: Study the need to differentiate the number of growth permits by zone.

TOWN GOAL 6: Project, preserve, and acquire land needed for municipal services and public use.

Policy 1: Develop adequate sites for public recreation.

Strategy 1: Establish and maintain public water access.

Strategy 2: Build and maintain safe routes for pedestrian and bicycle traffic.

Policy 2: Identify and plan for future lands needed for municipal services and acquire the necessary land.

Strategy 1: Department heads will provide an inventory of the departments' future land needs.

Policy 3: Develop plans to protect the coastline from sea level rise over the next 100 years.

Strategy 1: Enforce current state guidelines for sand dunes.

The Land Use sub-committee resolved that the Comprehensive Plan should have a definition section that would read – “ For the purpose of this document the following terms are defined –

Goal – objective **Policy** – course of action **Strategy** – plan of action, tactic

Conservation – preservation from loss, harm, or depletion **Preservation** – kept unchanged

Respectfully submitted -Jan M. Collins

Dec. 30, 2002