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MAINE STATE PLANNING OFFICE
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September 8, 2005

Donald Fisk Sr., First Selectman
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Town of Kennebunkport
P. O. Box 566
6 Elm Street
Kennebunkport, ME 04046

Mssrs. Fisk, Poore and Page:

This letter documents the State Planning Office (SPO) review of a revised draft of Kennebunkport's Comprehensive Plan Update ("Update") dated August 17, 2005 for consistency with the Growth Management Act.

Congratulations.

The Update of the Kennebunkport Comprehensive Plan dated August 17, 2005 has been found consistent with the Growth Management Act. We wish you the best in moving forward with its adoption.

We commend the efforts of the Growth Planning Committee working with David Versel and Gary Lamb to shape and refine the future land use plan and its implementation strategies including repeal of the existing growth cap and a proposed differential growth cap to protect rural areas.

This re-review commenced with the transmittal of Kennebunkport's revised Update dated July 2005 on July 7, 2005 with a request for its re-review from the Town's consultant, the Southern Maine Regional Planning Commission. A second draft was transmitted to the State Planning Office on August 19, 2005 by the Town's planning consultant. These findings of consistency are based on the review of the planning document dated August 17, 2005.

The revised draft includes modifications related to the inconsistencies as well as other changes – some organizational changes, updates on data and some changes related to implementation strategies. In addition, the Appendices were modified from the September 2003 draft.

The Appendices to the plan posted on the Town's website as of August 25, 2005 were utilized for this re-review. This includes the following items in Appendix B:

Appendix B-Inventory and Future Land Use Maps -Version 08/17/05

<u>Map of Future Land Use Plan</u>	08/17/05
<u>Map of Physical Development Constraints</u>	08/17/05
<u>Map of National Wetlands Inventory & Tax Parcels</u>	08/17/05
<u>Map of Existing Land Uses</u>	08/17/05
<u>Map of Gulf of Maine Critical Habitats</u>	08/17/05
<u>Map of FEMA 100 Year Floodplain & Tax Parcels</u>	08/17/05
<u>Map of Drainage Divides & Tax Parcels</u>	08/17/05
<u>Map of Properties Not Readily Available For Development</u>	08/17/05
<u>Map of Building Permits by Year</u>	08/17/05
<u>Map of Aquifers and Existing Community Water Systems</u>	08/17/05
<u>Map of Current Zoning as of July 2005</u>	08/17/05
<u>Map of Rare Plant and Animal Habitats</u>	08/17/05
<u>Map of Wet (Hydric) Soils & Tax Parcels</u>	08/17/05
<u>Map of Maine Natural Areas Program</u>	08/17/05
<u>Table of Proposed Land Uses</u>	08/17/05

A paraphrased version of the original inconsistency is provided in bold, followed by SPO's findings. Suggestions are presented for consideration by the Growth Planning Committee offering ideas for follow-up. For the complete text of each original inconsistency, please refer back to SPO's letter of February 5, 2004 based on a Draft Update dated September 2003. (Please note there is no inconsistency number 7)

1. Population/Housing Projections and Affordable Housing

Population and housing projections for the ten-year planning period are not provided. Furthermore, it is not clear whether adequate provision has been made to meet affordable housing needs.

The Population/Housing Projections and Affordable Housing inconsistency has been addressed.

Suggestions

The revised draft has updated its analysis to include population and housing projections for the ten year period. This includes three future population growth scenarios (Table X-8 on page 132) which were prompted by a rapid rate of growth. The Plan's analysis for growth (page 132) notes that "Kennebunkport can expect to add between 600 and 1,000 new residents between 2000 and 2015." Further, "Assuming that each new housing unit built in Kennebunkport has 2.30 residents (the 2000 average household size), there would need to be between 270 and 439 units built in Kennebunkport through 2015."(page 132).

The affordable housing gap analysis presented in the update is based on an earlier projection by the State Planning Office -- projecting an increase of 488 persons for the period spanning 2000 to 2015 (page 129). This is somewhat lower than the Plan's updated projections. The gap analysis presented resulted in an "estimated 264 affordable units by 2015 in order to fully close the gap". (page 129) The gap surpasses the projected net change of year round housing units. Because the outcome of an analysis using the town's population projects would likely have the same as the analysis completed with SPO projections, there would be no point in asking the Town to revise its analysis to coincide with its own projections but do advise to keep this in mind.

We would also like to offer our comments on the following strategy in support of the Town's efforts to close the affordable housing gap (Town Goal 1, Policy 1, Strategy 2)

“Appoint or engage a Kennebunkport Housing Authority to develop standards for and the development of affordable housing units as well as to be responsible for the sustaining and monitoring of affordable housing units and report on the balance and continuing need for affordable housing in the community. The Housing Authority is also to work with adjacent communities on a regional basis to accomplish common goals.”

As it pertains to this strategy, we encourage the Town to consider contracting with an existing non-profit housing development corporation to tap into their experience including lessons learned as well as past success. The Town might also consider contacting Kennebunk to share their experience with affordable housing development.

2. Drinking Water

It is not clear whether adequate provision has been made to protect drinking water supplies.

The Drinking Water inconsistency has been addressed.

3. Farm and Forestry Resources

It is not clear whether adequate provision has been made to protect farm and forestry resources.

The Farm and Forestry Resources inconsistency has been addressed.

Suggestions

The Department of Agriculture has provided some comments for the consideration related to farming in Kennebunkport. These are attached.

4. Land Use Chapter and Future Land Use Plan

The Land Use Chapter does not adequately identify recent development trends and changes in land use, demonstrate that designated growth areas are adequate or suitable for growth, or evaluate the adequacy of existing land use regulations. A Land Use Plan laying out basic geographical areas, and applying the plan's various policies and strategies is not provided. The Land Use Map does not adequately identify intended districts or areas.

The Land Use Chapter inconsistency has been addressed.

5. Rate of Residential Growth

Need for a town-wide rate of growth ordinance is not provided in the Update.

The Rate of Residential Growth Inconsistency has been addressed based on the addition of the following strategies to the plan presented as Town Land Use Goal 1, Policy 1, Strategies 1&2 on page 115:

Strategy 1: Differentiate the number of growth permits by zone. Enact a growth cap ordinance that limits growth in areas of the town designated as non-growth areas in the Future Land Use Plan and does not differentiate between subdivision and non-subdivision lots. Limit the annual number of permits allowed in non-growth areas to no more than 25 percent of the

total number of permits issued town-wide in the preceding calendar year, with the following allocation proposed for each of the three non-growth areas:

- Z1 – 5 percent of previous year’s total;
- Z9 – 5 percent pf previous year’s total; and
- Z10 – 15 percent of previous year’s total;

Note: See Zone Map in Appendix B of this document.

Responsibility: Growth Planning Committee

Timeframe: 1 year

Strategy 2: Repeal the existing town-wide growth cap.

Responsibility: Growth Planning Committee

Timeframe: 1 year

6. Public Facilities, including Recreation and Transportation

The Recreation and Cultural Resources, Public Facilities and Services, and Transportation chapters do not consistently discuss existing conditions and capacity or anticipated needs based on projected growth for the ten-year planning period.

The Public Facilities inconsistency, including Recreation and Transportation has been addressed.

8. Capital Investment Plan

The Capital Investments Plan (CInP) does not provide adequate information about capital needs to accommodate anticipated growth, including a more complete listing of needs, estimation of costs, establishment of priorities among various needs, and identification of potential sources of funds to address needs.

The Capital Investment Plan Strategy has been addressed.

Suggestions

It is good to see a new chapter incorporated into the plan entitled Capital Investment Strategy. It includes a discussion of the Capital Planning and Budgeting Process notes “A draft copy of the current CIP (Capital Improvement Plan) funding schedule is included in Appendix D” (page 203).

The CIP funding schedule was included as Appendix D in the September 2003 draft update but appears to be missing in the revised draft. It provided a substantial listing of needs, estimation of costs and established priorities among the needs by identifying a timeframe for acquisition and potential sources of funding.

The revised Appendix D presented on the Town website consists of an Implementation Matrix summarizing the plan’s strategies alongside the entity responsible for implementation and time frame. The addition of the Implementation Matrix assisted in addressing the inconsistency below.

A related suggestion is to incorporate a list of maps in Appendix B into the Plan’s table of contents.

9. Regional Coordination

Though various issues are discussed in Chapter XVIII, there are no goals or policies to address issues that cross Town boundaries.

The regional coordination inconsistency has been adequately addressed.

10. Incomplete Inventory and Vague or Deferred Development of Strategies

In a number of places, inventory is incomplete and the development of strategies that should be part of the Update is deferred to what should be the implementation stage. Furthermore, strategies often lack specific guidance; there is no sense of which are most important and timelines are relatively generic; and it is not clear who should take the lead to initiate action when multiple entities are identified to implement the strategy.

The incomplete inventory and vague or deferred development of strategies inconsistency has been addressed.

Again, we are very pleased to see what a strong plan you have. We wish you every success in adoption and implementation of your plan.

Sincerely,

Ruta Dzenis AICP
Senior Planner – Land Use Team

Attachments:

Correspondence from Stephanie R. Gilbert, Maine Department of Agriculture, Farmland Protection Program dated August 29, 2005

c: Matthew Nazar, Director – Land Use Team
David E. Versel, Consultant
Jonathan Lockman, Planning Director SMRPC
Jamie Oman Saltmarsh, Senior Planner, SMRPC

Dzenis, Ruta

From: Gilbert, Stephanie
Sent: Monday, August 29, 2005 5:05 PM
To: Dzenis, Ruta
Subject: RE: Kennebunkport update

Hi Ruta,

I'm juggling many tasks today. Sorry for the delay.

My overall suggestion to the Ms. Anderson/the farmer was to do everything possible to increase the credibility of her farmland and business management practices. I suggested that she contact York County SWCD and sign up to obtain a free USDA - NRCS Conservation Plan that hones in on the nutrient management of her farms soils, etc. I strongly encouraged her to apply to Farms for the Future to develop a business plan (deadline was last Friday) that to substantiate the need to expand or diversify the farm enterprise(s).

My overall suggestion to the Kennebunkport is somewhat similar; that is for the Town to do everything possible to increase the profitability of its local farms. The plan could (and should) offer the existing and new agricultural operations the same kind of access to resources and support of commercial activities that it currently seeks to provide for the marine industry (Page 46 - Town Goal 1).

The Town could:

- A) Consider adoption of farm-friendly ordinance language which offers the broadest definitions of farm products and services.
- B) Encourage all farms - existing and new - to work with the York County SWCD to conserve and protect the quality of soil, water and wildlife habitat on the farm. This will help reassure those environmental groups who are concerned about agricultural odors and waste materials.
- C) Encourage all eligible landowners to enroll in the Farm or Open Space tax programs. This would include those landowners who rely on a neighboring farmer who "leases" the land to harvest hay or keep the field open. The income eligibility criteria is that the land must generate \$2,000 annual gross (income or value) in one of two, or three of five years. A 10-acre hayfield for example may parcel generate 100 45-pound bales per acre, per year (or 1,000 bales total). When valued at a fair market value of \$2.50 or more per bale, the property would easily meet the income eligibility requirement.
- D) Encourage all farm stand owners/operators to undergo farm business planning as part of applying for a permit, exemption or exception to the town zoning ordinance.

My specific recommendations on the draft plan are for the Town to think about the complex of natural resources - soils, surface and ground water, wildlife habitat, etc. that are generally better conserved or protected on a working farm than on marginal, poorly-managed "open" lands.

Chapter VI, GOAL 1, Policy 2 on pages 60 & 61.

Strategies 3-5 direct the Conservation Commission and CEO to accomplish several landowner outreach and education efforts. Because the Maine Department of Agriculture, the Maine Board of Pesticide Control, the York County Soil and Water Conservation District and other natural resource partners have already been involved in several water pollution prevention projects in York County, I encourage the Planning Committee to further direct the Town and its Conservation Commission to inventory and identify those quasi- and non-governmental entities that have similar natural resource goals to coordinate targeted landowner outreach and education efforts.

Chapter VII. GOAL 1, Policy 4 on Page 76 directs the Town to " Identify and protect significant essential wildlife habitats."

Add a 3rd strategy - Slow habitat fragmentation and preserve existing patterns of habitat connectivity by encouraging landowners of eligible open space-, farm-, and forested-lands to enroll in the current-use tax programs.

Add a 4th strategy - Encourage new and existing farmers to enroll in USDA conservation programs that compensate owners of wetlands, grasslands and wildlife habitat who follow prescribed mowing, harvesting and

surface management practices.

Chapter VII. Goal 3, Policy 1 & 2 - Determine what lands are eligible for either of the three current-use tax programs and are not currently enrolled. Analyze what the change in valuation would be if these lands were enrolled and calculate what the tax shift would be to the other property owners on a cost-per-household basis. The town could use this information to build community awareness for the "value" of the current pattern of these land types relative to the rising costs of community services. It could also use this information to determine a minimum impact fee needed to reimburse/pay the town for lands protected through enrollment in current-use tax programs. (I suggest this because it will be a few more years before the State of Maine is likely to reimburse the Town for Farm and Open Space).

(NOTE - At SPO's Land Use Summit, Paul Schumacher of SMRPC expressed interest in helping the Department demonstrate this type of current-use tax analysis somewhere in York County.)

Thank you for the opportunity to comment,
Stephanie

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