

Town of Kennebunk, Maine



To: Comprehensive Plan and Zoning Ordinance Update Committee
From: Mathew Eddy
Date: January 11, 2016
Subject: The purpose of the Project

In an earlier email, I referred to a number of general reasons for why the Board of Selectmen has decided to move forward with a review and update of the Comprehensive Plan and Zoning Ordinance. Among the general objectives, identified in the RFP that was sent out to prospective consultants, were the following:

- Update the language and terminology of the zoning ordinance;
- Update basic demographics in the comprehensive plan (some of that work has already been completed);
- Provide a community driven evaluation of what we have accomplished and what we have not, using guidance from our key committees and boards;
- Review and change where appropriate the goals and land use patterns map for the purpose of updating the future land use plan with a focus on smart growth principles;
- Update the capital investment strategy; and,
- Update the zoning ordinance based on the above strategies and future land use plan.

Through discussions with staff and various committees, it was indeed time to take a fresh look at our plan and ordinance and think about them in terms of the future, in particular, the next ten years. The Board of selectmen agreed and established a local budget of \$50,000 and established this committee.¹ In some cases, like terminology, words and uses that were appropriate twenty

¹ While the State once provided a legal guideline for that process and what to review, that program has since been disbanded by the present administration. The guidelines for an appropriate Comprehensive Plan still exist, but there is little from the state to guide and enforce them (a staff still exists and will review for consistency, but their findings have no meaning). However, some court cases suggest that judges will still examine ordinances, when challenged, in terms of the relationship to the plan and the law itself that guides comprehensive planning.

years ago, may no longer have relevance. Changes in demographics, such as the change in age groups and their corresponding needs, may spark new land use related issues. This in turn may have impacts on our future land use map, both in terms of completing what we have not yet set in motion, as well making some changes to address specific issues (e.g. affordable, workforce housing).

But those categories are very broad and don't really bring much focus to specific issues. Some staff members sat down and, using their own broad knowledge of various committees, tried to think through issues and specifics that may need to be addressed. This list is by no means exhaustive and is meant to be a departure point for discussion. We fully expect that many of you, given your committees and backgrounds, will bring additional ideas to the "table". However, the list below will give you a very good sense of exactly how difficult this planning (comprehensive plan) and implementation (zoning ordinance and capital program) process can be. In a separate memo, we will discuss the ideal time frame we would like to try to meet, which you will see is very aggressive.

A final note about the use of a consultant. In the consultant world, \$50,000 is not a lot of money to complete the project we have in mind. In the interviews, with no preconceived notions, we will work with the consultants to best identify the activities that they can help us with. That will extend into a formal negotiation, a work plan, and final contract for services. The project will also include the use of our own attorneys in assisting in the draft of formal zoning ordinance changes. Where funds cannot be extended, we will complete the work internally with town staff in the various areas of their expertise. In the end, we will all be very busy.

So here are some initial ideas, issues, and changes to explore; numbered just so we can reference them and in no particular order:

1. What were the original goals and objectives of the Comprehensive Plan and what have we achieved, what have we not?
2. A review of planned growth areas that were never implemented (primarily in West Kennebunk, Cat Mousam Road and Alfred Road West).
3. Extension of Sewer to areas undeveloped and not served, as well as areas developed with no sewer services. This may include incentives (e.g. Higgins, Howard Properties on Thompson Road, approved Hisson project) or community investment.
4. Incentives for the creation of Affordable workforce Housing, especially as it relates to helping young families who want to live and work in Kennebunk (grants subsidies, density bonuses).
5. Better definition of open space when open space densities are granted.
6. Better definition of community benefit when contract zones are granted. In fact, a general discussion about contract zoning as a tool, the pros and cons.
7. Available land owned by entities (for example the state) that is held but not slated for conservation purposes or use.
8. Ensure that definitions and terms used in the ordinance are consistent with today's terminology.

9. Collaboration with Arundel, Alfred, and Wells, who could absorb new development along our borders, with the appropriate extension of utilities (water and sewer). The sharing of services? Other regional coordination?
10. Permission of retail sales in the Portland Road Mixed Use Zone (the tiny zone between the downtown and Route 1 north).
11. To drive through or to not.
12. The Suburban Commercial district quandary, mixed use to include housing or not (as is presently zoning to conserve scarce commercial land). Should we try to help workers be closer to where they work?
13. Factory Pasture Road/Depot Street/Trackside Drive presently zoned Industrial (no housing or retail stand alone) as it is presently constituted or consider a mixed use transit oriented district associated with the new rail station.
14. Extend sewer to the east the railroad tracks on summer street area to develop some additional lots (not a lot of potential).
15. In the Lower Village area, the extension of the Lower Village Business District to include the southern side of Western Avenue to create some continuity along the section from Cooper's Corner to Lake Brook, or in the converse, shrinking the village/mixed use district or limiting the uses.
16. Ordinances related to public and private parking and how to meet increasing demand, or not.
17. Connectivity of lower village north along Port Road.
18. Relaxing of the number of unit restrictions on Inn's, especially along the Summer Street/historic district areas (some would like to see more units permitted; others not so much).
19. Transfer of development rights clauses as they relate to wetlands and business development in the business park zones (Route 1 south).
20. Signs,—size, appropriateness, sandwich signs, eye candy in village areas, lighting, village atmosphere.
21. Outdoor sales and displays (appropriate for the downtown, Route 1 north and south, and lower village?).
22. The physical design of the community for all ages from children to seniors to those with special needs. That discussion can be expanded to social needs and potential services.
23. Wildlife and visual corridors.
24. Dams.
25. Where to mandate the cluster of residential housing and how do our incentives achieve what we want?
26. Further open space preservation, setting priorities, and involving/coordinating all the parties currently undertaking such activities.
27. The review process: do we need to make it more user friendly, and if so, how?
28. How does our present land use plan meet our current and future needs—have we successfully implemented what we set out to do.
29. Capital improvement planning and implementation
30. Assessment of municipal services, supply and demand.

31. The impacts of climate change and how to address them (have you seen the new flood maps lately?).
32. Connectivity of open space and trails that are established throughout the community.

This list was not meant to scare you or to provide the different reasons you might want to identify in your resignation letter, but to help you prepare for the task at hand. Staff and consultants will be there to help and guide you, while we listen to your input and try to shape it into both a reasonable plan and zoning ordinance update. As we work through the negotiations with the consultants, our work plan will go from very general to more concrete—there will be no answers at this first meeting. As that work plan solidifies, a schedule will become more apparent.

Do expect there to be different ways and times that we will reach out to the public for their input. Think about the best ways you think we can do that (public meetings, neighborhood meetings, town wide charrettes, surveys, focus groups); question the prospective consultant on their thoughts on the matter.

In the end, understand that the beauty of a good comprehensive plan and zoning ordinance is how they best strike a balance for what Kennebunk would like to achieve as a “community”. These standards, in turn, can drive the state of your community and its future budget. Many interests must be served. How can we best do that?

Most importantly, this is a fun, sometimes taxing process; plan on enjoying it. It goes a lot easier that way (my personal opinion).