Conservation Comission & Plan Review

MUNICIPAL BOARD EMPOWERMENT SERIES WORKSHOP

OCTOBER 29, 2019

MAINE AUDUBON, FALMOUTH







Agenda

- 1. Plan review 101
- 2. Role of conservation commissions in the review process
- 3. Reading plans
 - a. Site Plans
 - b. Subdivisions
- 4. Key conservation considerations
- 5. Hands-on exercise
- 6. Interacting with the Planning Board
- 7. Discussion / Q&A

Plan Review 101

- Site Plan & Subdivision Review
 - Ensure development occurs in a manner consistent with community goals, policies, and strategies
 - Protect health, safety, and welfare of citizens
 - Promote development of a sound and stable community
 - Protect the environment

Role of Conservation Commission in Plan Review Process

- Role varies from community to community
 - Formal vs. Informal
- Identify points in the process for input
 - Review local ordinances for mention of conservation commission and/or opportunities for input from municipal commissions
- Build relationship with Planning Department
 - Request applications be forwarded to Conservation Commission for review and comment
- Not all recommendations will be accepted by the Planning Board

Role of Conservation Commission in Plan Review Process: Local Land Use Ordinances

Cape Elizabeth

- Conservation Committee advises the Planning Board in the granting of Resource Protection Permits
 - Prior to considering the application, the Planning Board shall refer it to the Conservation Commission for its review and recommendation.
 - Conservation Commission may request that the applicant attend a meeting of the Commission to discuss the application.
- Role as steward of Town open space is formalized in the Conservation Ordinance
 - Following report of a potential encroachment, the potential encroachment shall be inspected by the Town and, if deemed
 necessary, a professional surveyor may be retained to confirm the property boundary and prepare a sketch showing the extent of
 the encroachment. When applicable, the deed for the open space shall be reviewed for restrictions. If the Conservation
 Commission identifies a possible encroachment, it may gather information as described above and report its findings to the Town
 Manager.

Role of Conservation Commission in Plan Review Process: Local Land Use Ordinances

Eliot

 Consultation required to approve language of dedication and allowed uses if undeveloped land is dedicated to the town for open space developments

Kennebunkport

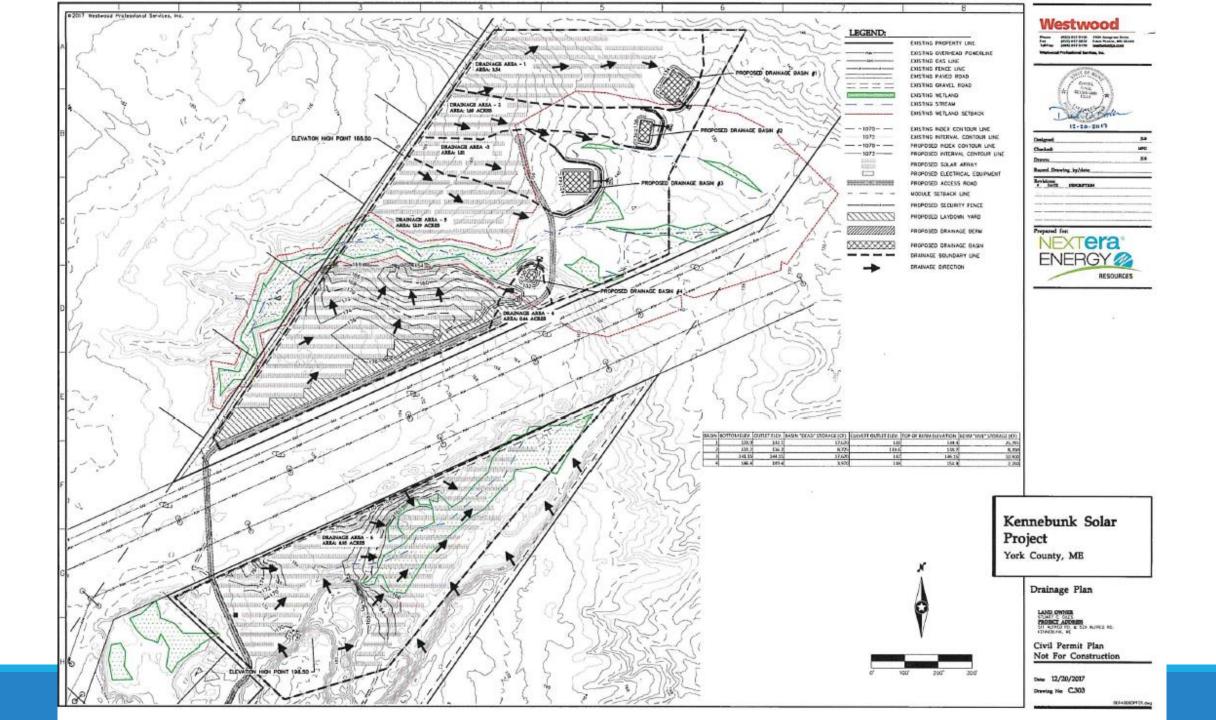
• Shall be provided with copies of appeals of CEO's interpretation to allow opportunity to provide information, comments, and recommendations to BOA

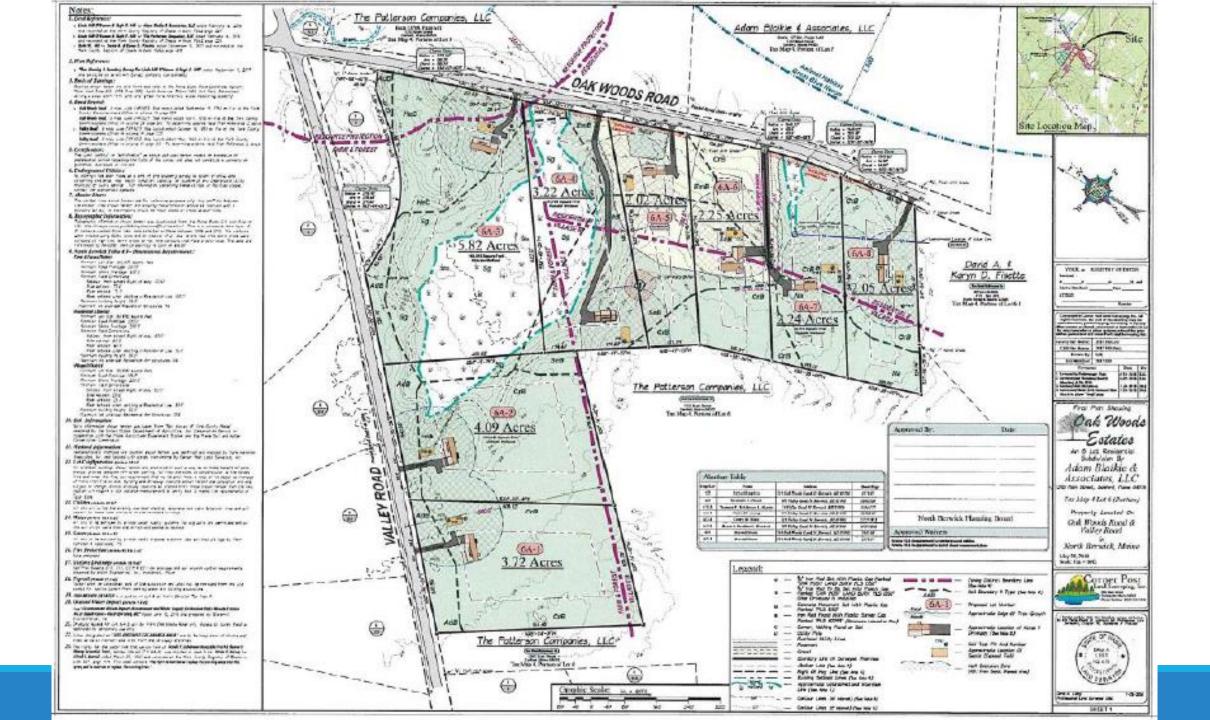
Kittery

- Appointment, purpose, duties, powers, & membership established in ordinances
- Must be invited to review and offer recommendations from an environmental protection perspective during preliminary plan review
- Must be notified of public hearing for plan acceptance and right-of-way application
- May request information from CC for proposed wetlands alterations and the PB will consider the advisory opinion

York

- Feedback shall be solicited from CC on the site design during Conceptual Design Review for cluster subdivisions
- May be involved in mandatory inspection program of open space for cluster subdivisions
- Notification required if variance requested from BOA for shoreland zone







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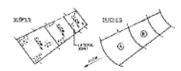
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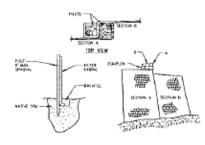
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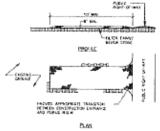
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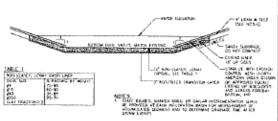


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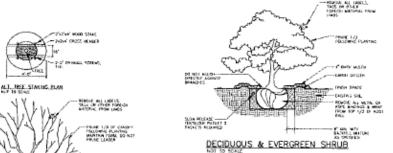
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Key Conservation Considerations



Image: NRCS - USDA

MS4 Requirements

- MS4: Municipal Separate Storm Sewer Systems
- Since 2003, Clean Water Act requirements apply to 14 municipalities in Greater Portland
- Six Minimum Control Measures
 - 1. Public Education and Outreach
 - 2. Public Participation
 - 3. Illicit Discharge Detection and Elimination
 - 4. Management of Construction Site Runoff
 - 5. Management of Post Construction Site Runoff
 - 6. Good Housekeeping for Municipal Operations





Implications for Development Review

- New Permit to be issued with additional requirements:
 Expected effective date July 1, 2021
 - Additional municipalities could be added in the 2026 Permit

Key Points for Development Reviewers

- If you don't have an ordinance that "requires the use of erosion and sediment control BMPs" you need one
- Public comment requirements will be enhanced

Additional requirements may be added, as MCGP and MS4 permit are under review and will soon be re-issued



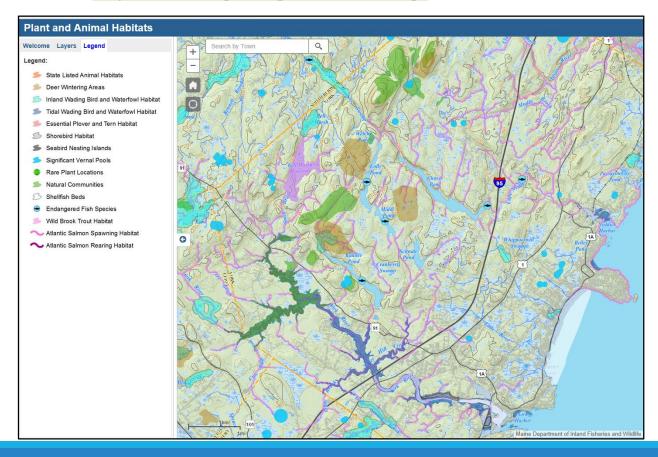
Key Conservation Considerations

- Vegetative Buffers
- Shoreland Zone
 - Wetlands
- Stormwater
 - LID/Green infrastructure
 - Impervious (%lot coverage)
- Habitats
- Erosion control

- Landscaping
 - Vegetation
 - Pesticides/herbicides
 - Tree removal
- Open space
 - Connectivity, value
- Hazard areas
 - SLR, surge, marsh migration, slopes

Resources

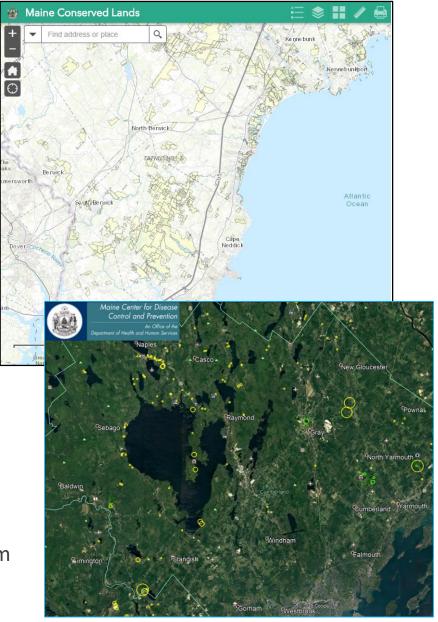
•Beginning with Habitat http://www.beginningwithhabitat.org/



Resources

Conserved lands

- Land trusts
- Department of Agriculture, Conservation & Forestry, Bureau of Parks & Lands - Conservation Lands Map https://www.maine.gov/dacf/parks/publications maps/conservation lands maine.html
- Natural hazards, resiliency, & marsh migration
 - MGS Coastal Viewer https://www.maine.gov/dacf/mgs/hazards/coastal/index.shtml
 - TNC Coastal Resilience Tool http://maps.coastalresilience.org/maine/
- Other
 - Soil & Water Conservation District http://cumberlandswcd.org/site/
 - Maine Drinking Water Program Public Water Resources Information System https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/pws/maps.shtml
 - Locally-specific resources



HANDS-ON EXERCISE

READING PLANS

Interacting with the Planning Board

- Ways to provide input
 - Public Hearing
 - Written comments
 - Meet with Planner
- Balancing different priorities





Questions & Discussion

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