Conservation Commission & 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
Key Conservation Considerations
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_main.html

• Natural hazards, resiliency, & marsh migration
  • MGS Coastal Viewer
  • 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
  • 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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