# 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

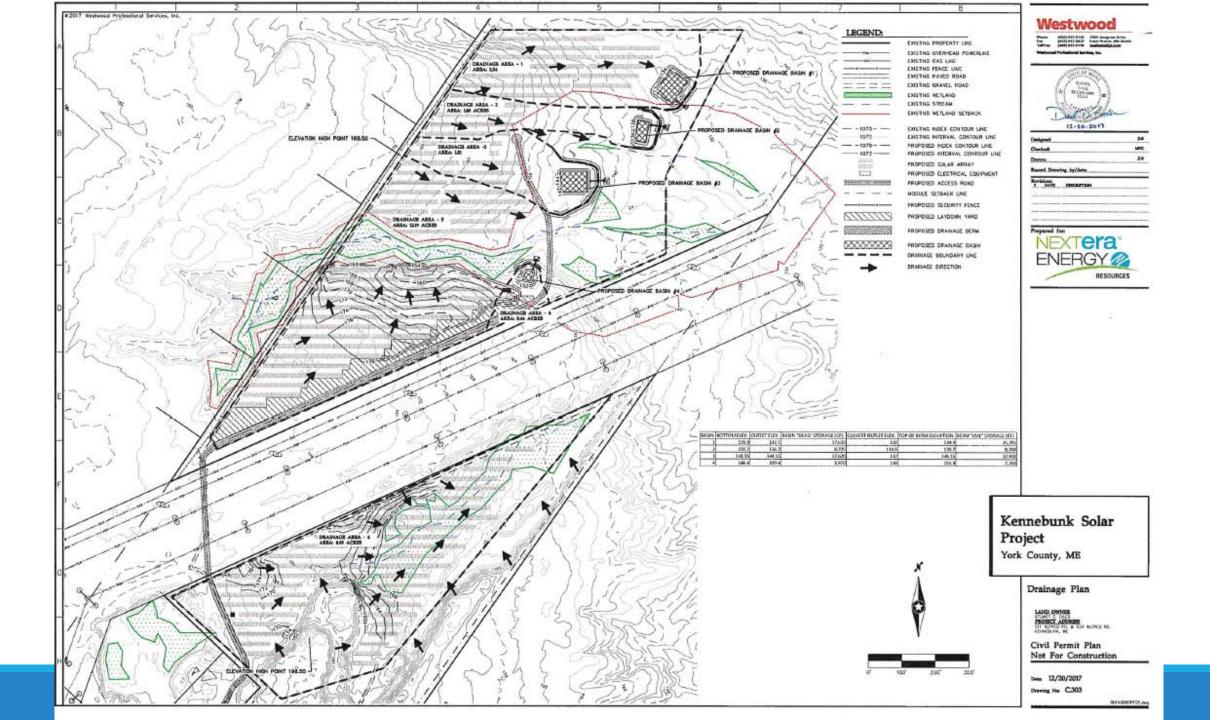
 Shall be provided with copies of appeals of CEO's interpretation to allow opportunity to provide information, comments, and recommendations to BOA

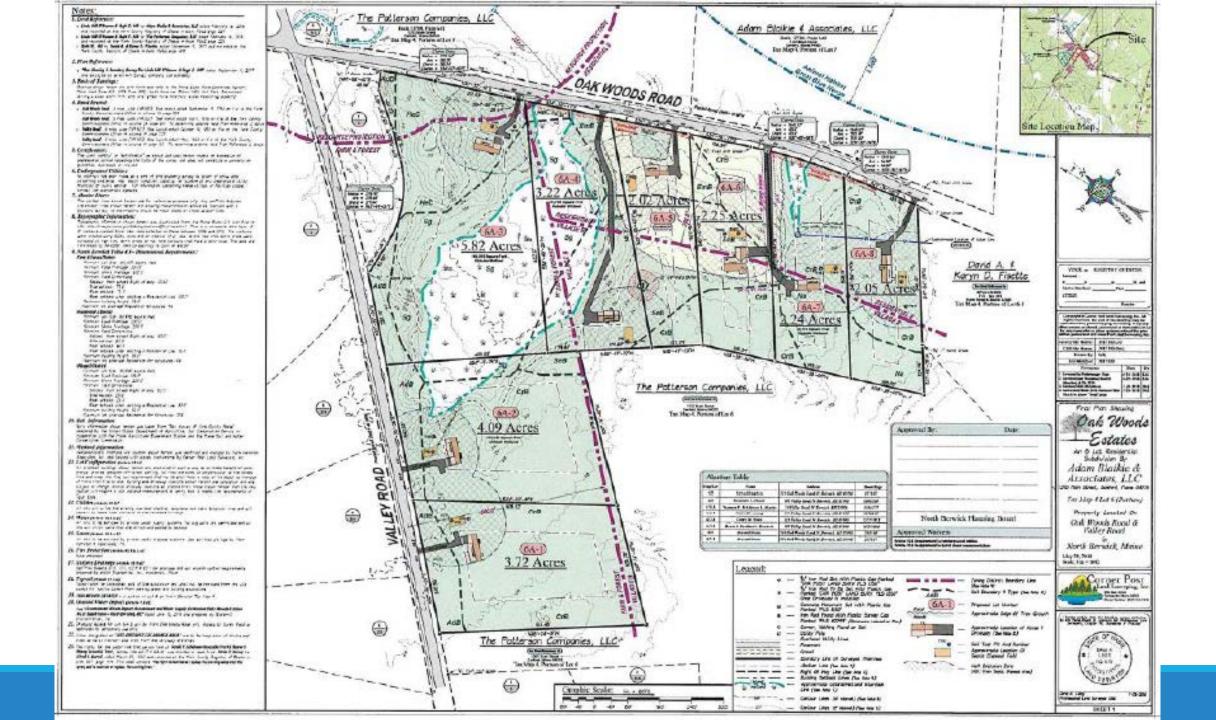
## Kittery

- 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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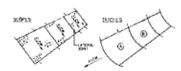


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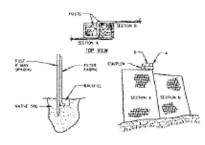
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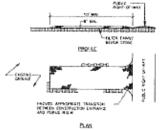
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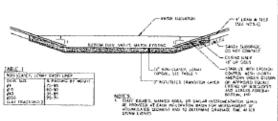


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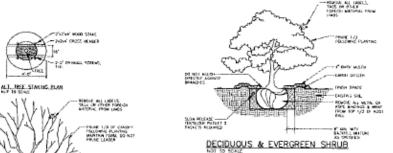
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# Key Conservation Considerations

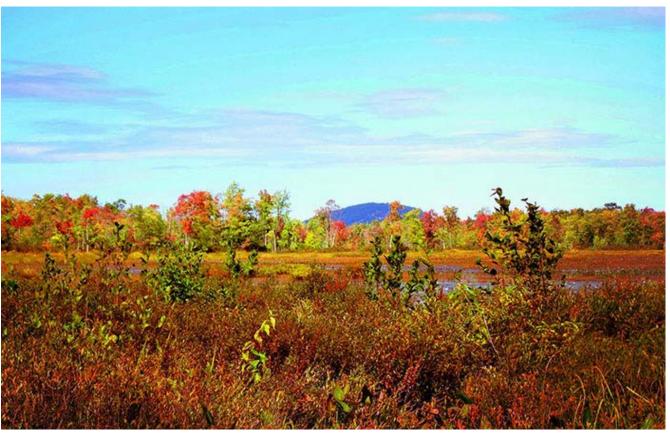


Image: NRCS - USDA

# **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



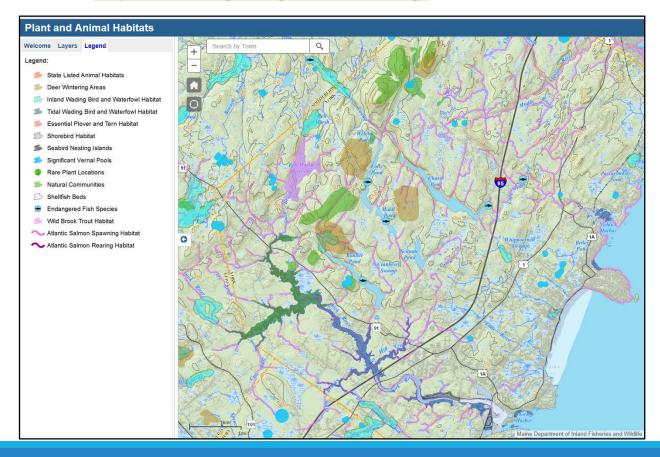
# Key Conservation Considerations

- 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 <a href="http://www.beginningwithhabitat.org/">http://www.beginningwithhabitat.org/</a>



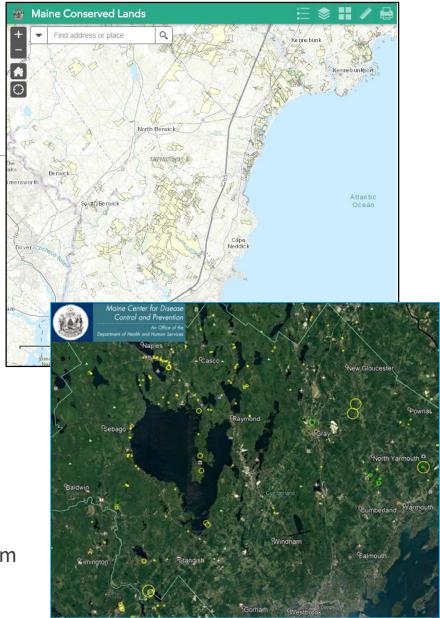
# Resources

## Conserved lands

- Land trusts
- Department of Agriculture, Conservation & Forestry, Bureau of Parks & Lands - Conservation Lands Map <a href="https://www.maine.gov/dacf/parks/publications">https://www.maine.gov/dacf/parks/publications</a> maps/conservation lands maine.html
- Natural hazards, resiliency, & marsh migration
  - MGS Coastal Viewer <a href="https://www.maine.gov/dacf/mgs/hazards/coastal/index.shtml">https://www.maine.gov/dacf/mgs/hazards/coastal/index.shtml</a>
  - TNC Coastal Resilience Tool http://maps.coastalresilience.org/maine/

## Other

- Soil & Water Conservation District <a href="http://cumberlandswcd.org/site/">http://cumberlandswcd.org/site/</a>
- Maine Drinking Water Program Public Water Resources Information System <a href="https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/pws/maps.shtml">https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/pws/maps.shtml</a>
- 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

## **Lee Jay Feldman**

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