



JOHN ELIAS BALDACCI
Governor

MARTHA E. FREEMAN
Director

James Cameron, Selectman
Fred Ehrlenbach, Chair, Planning Board
59 Oak Point Road
Trenton, ME 04605

June 5, 2008

Dear Mr. Cameron and Mr. Ehrlenbach,

Thank you for submitting the 2007 Town of Trenton Land Use Ordinance for review for consistency with the Maine Planning and Land Use Regulation Act (the Act).

We have completed our review of your Plan for consistency with the Act and the Zoning Ordinance Review Criteria Rule (the Rule). In the course of our review we have kept in mind that several of the Comprehensive Plan's recommendations for revisions to the Land Use Ordinance are more appropriately directed towards changes to the Subdivision Ordinance, which is under our concurrent review.

While the Land Use Ordinance is generally well-written and consistent with the goals and guidelines of the Act and the Rule, there are areas that need additional work to reach an official finding of consistency. **Five specific inconsistencies** are listed below followed by recommendations as to how the town may wish to resolve them.

Inconsistency #1: Consistency with the Plan (Housing)

The Ordinance is not consistent with the Comprehensive Plan in that it does not address the objective found in section 2.C.3.c , which reads: **“Set standards to allow mobile home parks in all residential growth areas and the commercial areas (but not the village, ACID or rural areas).”**

The implementation strategy associated with this object called for it to be addressed in the revision of the land use ordinance. While Trenton's proposed Subdivision Ordinance includes Mobile Home Park review standards we found no mention of Mobile Home Parks in the Land Use Ordinance.

The Zoning Ordinance Review Criteria Rule (Chapter 210) states the Ordinance, “must contain those provisions which, as specified in the plan, were to be included in the ordinance.” (Me State Planning Office, 07 105 CMR 210-4.A)

Recommendation:

We recommend that “Mobile Home Park” be defined as a district land use in the Land Use Ordinance and that it be listed as an allowable (conditional) use in the appropriate zoning districts as called for in the Comprehensive Plan. Care should be taken to assure that

provisions relating to Mobil Home Parks do not conflict with the provisions of the Mobil Home Park provisions of the Manufactured Housing Act (M.R.S.A. 10, Section 9081).

Inconsistency #2: Consistency with the Plan (Transportation)

The Ordinance is not consistent with the Comprehensive Plan in that it does not address the objective found in sections 2.D.7.b and c, which read: **“b. allow the acceptance as town ways of any new subdivision roads built to town standards in the growth areas; c. restrict the acceptance of any new road as a town way in designated rural areas...”**

The implementation strategy associated with this objective calls for it to be addressed in the revision of the land use ordinance. We could find no place in the Land Use Ordinance where the criteria for town acceptance of subdivision roads in the growth and rural areas are articulated.

The Zoning Ordinance Review Criteria Rule (Chapter 210) states the Ordinance, “must contain those provisions which, as specified in the plan, were to be included in the ordinance.” (Me State Planning Office, 07 105 CMR 210-4.A)

Recommendation:

The Comprehensive Plan’s policy to facilitate acceptance of roads in the growth area and restrict acceptance of roads in the rural area must be clearly reflected in the Land Use Ordinance. As long as the policy appears in the Land Use Ordinance (and, preferably, also in the Subdivision Ordinance) the town may wish to set forth the specific process and criteria for acceptance in a separate Road Acceptance policy document or ordinance. Alternatively, that process and those criteria may be incorporated into the Land Use Ordinance.

Inconsistency #3: Consistency with the Plan (Water Resources)

The Ordinance is not consistent with the Comprehensive Plan in that it does not address the objective found in section 2.H.1.5, which reads: **“The plan recommends that public water systems (i.e., ones that serve the general public including those at restaurants, motels, and the school) be protected by assuring that subdivision and site plan review applicants be required to identify any “public water supply source water protection area” in their submission materials to the planning board and notify the operators of these systems of their plans for the property.”**

The implementation strategy associated with this objective calls for it to be addressed in the revision of the land use ordinance. We could find no place in the Land Use Ordinance or Subdivision Ordinance where site plan and subdivision applicants are required to identify public water supply source water protection areas or to notify the operators of such systems.

The Zoning Ordinance Review Criteria Rule (Chapter 210) states the Ordinance, “must contain those provisions which, as specified in the plan, were to be included in the ordinance.” (Me State Planning Office, 07 105 CMR 210-4.A).

Recommendation:

Amend the Conditional Use Permit Application (Section 5.3.3) to include the location of any portion of a public water supply source water protection area that falls within the property proposed for development. In addition, add to the Procedure for Administering

Permits (5.3.2) a provision requiring notification of public water supplier operators of pending applications within their source water protection area. As noted in the Comprehensive Plan, the town has a list of all such water supplies and a map showing the source water protection areas.

Inconsistency #4: Consistency with the Plan (Natural Resources)

The Ordinance is not consistent with the Comprehensive Plan in that it does not address the objective found in section 2.J.2, which reads: **“(amend) the subdivision and site plan review ordinance to require the identification of key natural features as identified in the plan. Require the applications to include proposed measures to mitigate any adverse impacts of development on these features. These measures may include shifts in building foot prints, mitigating steps in earth disturbance and changes in timing and construction.”**

The implementation strategy associated with this objective calls for it to be addressed in the revision of the land use ordinance. The list of natural resources required on the plan for a conditional use permit (Section 5.3.3) does not include the wildlife habitat information expected by the Comprehensive Plan. Similarly, provisions in the General Standards sections pertaining to natural resources, such as Environmental Standards (section 4.1.7) and Preservation of Landscape (4.1.18) make no mention of wildlife habitat and offer no specific examples of measures to mitigate an adverse impacts of development on these feature. The Zoning Ordinance Review Criteria Rule (Chapter 210) states the Ordinance, “must contain those provisions which, as specified in the plan, were to be included in the ordinance.” (Me State Planning Office, 07 105 CMR 210-4.A)

Recommendation:

Refer to the proposed Subdivision Ordinance submission requirements for language relating to wildlife habitat information (e.g. Section 8-105.A.3.r) then adapt that language and incorporate it into the list of application requirements for a Conditional Use Permit in Section 5.3.3. In addition, refer to the proposed Subdivision Ordinance Performance Standards for the Preservation of Wildlife habitat (Section 8-106.I) then adapt that language and incorporate it into the General Standards of Article IV of the Land Use Ordinance. As noted in the Comprehensive Plan, the town has a map provided by the Beginning with Habitat program that locates and characterize the various important wildlife habitats in the town. These can be used by applicants to add appropriate information to their plans.

Inconsistency #5: Consistency with the Plan (Land Use)

The Ordinance is not consistent with the Comprehensive Plan in that it does not address the objective found in section 2.L.2.c., which reads, in part: **“make the following amendments to the Village District zoning provisions:...iii. reduce the minimum lot size for residential uses to 20,000 square-foot per unit (if lot meets state septic system requirements) and 10,000 square feet if on central water and sewer system...”**

The implementation strategy associated with this objective calls for it to be addressed in the revision of the land use ordinance. The lot standards table found in section 4.1.15 of the Land Use Ordinance calls for a 40,000 square foot minimum lot size per residential

structure and a maximum density of 40,000 square feet per dwelling unit rather than 20,000 square feet called for in the Comprehensive Plan. Also, while footnote #4 to the table states that lot size may be reduced to 10,000 square feet if served by centralized sewer and water systems, that note appears only to apply to the maximum density standard and does not appear next to the minimum lot size standard.

The Zoning Ordinance Review Criteria Rule (Chapter 210) states the Ordinance, “must contain those provisions which, as specified in the plan, were to be included in the ordinance.” (Me State Planning Office, 07 105 CMR 210-4.A)

Recommendation:

Amend the minimum lot size standard on the table for the Village District to 20,000 square feet and add a superscript “4” next to that standard to clearly show the option of further reducing the lot size through the use of centralized sewer and water systems.

With regard to our recommendations for addressing the inconsistencies, please understand that each of these represent one approach and that in each case there are likely to be alternative approaches the town may adopt which would successfully address the issue.

Agency Comments:

Aside from the attached letter from the Hancock County Planning Commission, we received no written comments on the proposed Land Use Ordinance. **Conclusion:**

Despite our inability at this time to find your Land Use Ordinance to be consistent, we wish to emphasize our appreciation for all the excellent work done to date by the Town of Trenton and its consultants. We look forward to working with you to resolve the current inconsistencies so that we will be able to issue a finding of consistency in the near future.

Please contact me at 287-3860 or phil.carey@maine.gov if you have any questions or if I can be of any assistance.

Sincerely,

A handwritten signature in blue ink that reads "Phil Carey". The signature is written in a cursive style with a large, sweeping flourish at the end.

Phil Carey, Senior Planner
SPO Land Use Program

Cc: Stacy Benjamin, Land Use Program Director
Tom Martin, HCPC