



Maine State Planning Office

Executive Department

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 Subdivision Ordinance for review for consistency with the Maine Comprehensive Planning and Land Use Regulation Act (the Act).

We have completed our review of your Plan for consistency with the Act and the Subdivision Ordinance Review Criteria Rule (the Rule). While the Subdivision 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. **Three specific inconsistencies** are listed below followed by recommendations as to how the town may wish to resolve them.

Inconsistency #1: 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.5.c, which read: **“give the planning board the authority to require that subdivisions retain easements for pedestrian facilities both within a development as well as providing easements for future connections with adjoining subdivisions.”**

The implementation strategy associated with this objective calls for it to be addressed in the revision of the land use ordinance, which, in the context of this objective, we read to include the Subdivision Ordinance. While the proposed Ordinance provides for rights-of-way for road connections to adjacent future development, we could find no corresponding language relating to pedestrian easements.

The Subdivision Ordinance Review Criteria Rule 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 203.4.B)

Recommendation:

Amend the street connectivity provisions found in Section 8-106.D.3.a to specifically authorize requiring reservation of stand-alone pedestrian (i.e. off-street) pedestrian facilities.

Inconsistency #2: 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. Insofar as this objective relates not only to site plan review but also to subdivision review, we would expect it to be addressed in the Subdivision Ordinance. We could find no place in the Subdivision Ordinance where subdivision applicants are required to identify public water supply source water protection areas or to notify the operators of such systems.

The Subdivision Ordinance Review Criteria Rule states the Ordinance, “must contain those provisions which, as specified in the plan, were to be included in the subdivision ordinance.” (Me State Planning Office, 07 105 CMR 203-4.B).

Recommendation:

Amend the plan submissions provisions (Section 8-105.3) to include the location of any portion of a public water supply source water protection area that falls within the property proposed for subdivision. In addition, add to the Planning Board Review and Approval provisions (8-104.A) 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 #3: Required Elements (Erosion and Sedimentation Control Standards)

The Ordinance does not satisfy the required elements provisions of the Rule relating to Erosion and Sedimentation control standards. Specifically, the Ordinance does not incorporate, by reference, technical standards provided by the Maine Department of Environmental Protection as stipulated in the Rule.

Recommendation:

Amend the Erosion and Sedimentation performance standards (Section 8-106.C) to incorporate, by reference, the Maine Department of Environmental Protection publication *Maine Erosion and Sediment Control BMPS* (March 2003). This publication may be accessed online at www.maine.gov/dep/blwq/docstand/escbmps .

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:

In the course of our review we solicited comments from a range of state and regional agencies. Written comments, copies of which are attached, were received from the following agencies:

- Hancock County Planning Commission
- Maine Department of Environmental Protection
- Maine Department of Transportation

We urge you to review those comments and consider incorporating changes suggested in them. Aside from the necessity of addressing the absence of erosion and sedimentation control standards cited in Inconsistency #3, above, incorporation of these suggestions are not necessary in order for the Ordinance to be found to be consistent. Nevertheless, we urge the town to consider them as we believe they may result in a stronger ordinance.

Additional Suggestion:

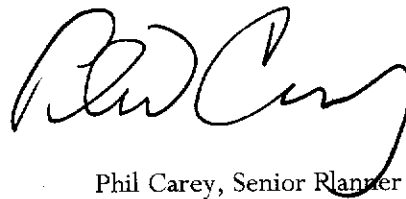
In addition to the suggestions from the reviewing agencies, we suggest that Special Flood Hazard Areas be added to the list of features required to be shown on the proposed subdivision plan (Section 8-105.A.3.h). As with the agency suggestions, incorporation of this suggestion is not necessary in order for the Ordinance to be found to be consistent. Still, we believe making this addition would be of value to the applicants and planning board.

Conclusion:

Despite our inability at this time to find your Subdivision 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,



Phil Carey, Senior Planner
SPO Land Use Program

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