



COMMUNITY DEVELOPMENT COMMITTEE

(Town Council Sub-committee)

Members (FY2017)

Claudia King
Ned Kitchel
Caleb Hemphill

Staff

Amanda Stearns

Meeting Minutes Wednesday, July 13, 2016

1. **Approval of Minutes** – The minutes of July 5, 2016 were approved with a unanimous vote.
2. **Contract Zoning Discussion continued** – The discussion regarding the elements of contract zoning continued. C. King initiated the conversation with a discussion of how contract zoning would fit into the current options we have for zoning. The following types of zoning parcels were reviewed:
 - a. The town has traditional base zoning districts such as RA, RB and VMU.
 - b. There are traditional overlay districts such as Shoreland and Corridor Overlay that impose additional restrictions in areas deemed to have special resources that need extra protection.
 - c. The town has one “floating district”, the Retirement Community Overlay District that allows for special development to occur if it meets certain requirements. A district is not created on the ground until approved by the Council.
 - d. the town has adopted some “master plan” districts that create special base districts for a considerable amount of land that have specific plans as well as text and other contracts governing the uses. This is most similar to the statutory intention of contract zoning.
 - e. Special districts have been created for individual parcels that the Council has deemed have unique circumstances that warrant special provisions. These include 234 Middle Road and 60 Gray Road as examples.
 - f. Conditional rezoning is permitted as a zoning option but it requires that the Council only impose more strict provisions within a particular area or parcel.

The use of contract zoning, as permitted by state statute, would allow the Council to enter into an agreement with a property owner, granting some flexibility to a base district standards and requiring certain conditions to mitigate the flexibility granted, provided that the development is found compliant with the Comprehensive Plan and is consistent with permitted and existing uses in the base district.

Relationship to other zoning options. A. Stearns was asked to explain how contract zoning would work in relationship to other rezoning. She reviewed the Charter provisions which allow a Councilor to introduce an ordinance amendment and under Sec. which allow a petition to be filed. The practice of the Council is that all amendments brought forward are introduced by a Councilor or a Council sub-committee. It was also mentioned that in cases where an ordinance expressly calls for an application or request to be filed for an amendment, it is not clear whether or not an introduction by a Councilor is required. The addition of contract zoning as an option for rezoning would not preclude a property owner from working directly with a Councilor

for rezoning or preclude the Council from granting rezonings that do not meet the statutory provisions of contract zoning.

Applicability of contract zoning – The committee continued the discussion from last week on what districts would be eligible for contract zoning. Freeport is one community that restricts contract zoning to certain districts. The committee discussed options from allowing contract zoning town wide in all districts, restricting to just the growth area or restricting to just certain districts within the growth area. Based on the recent history of requests for rezoning that would have been eligible for contract zoning, the committee decided to limit contract zoning to residential districts in the growth area: RA, RB, RC and RD. The Council could decide at any time in the future to expand the applicability.

Process for contract zoning – The committee discussed the concept of having the Planning Board engaged during the review period in a more robust way than the current involvement of holding the MRA hearing. The Council typically is well through the development of the amendment before the Planning Board reviews and submits its comments. With contract zoning focusing on more planning details and looking at specific relaxation of design standards, the committee felt that having feedback from the Planning Board sooner in the process would be beneficial. In addition, if it can be designed to serve as a opportunity for the applicant to review the concept plan with the Planning Board prior to after an amendment is passed, the pre-application portion of the development review process may occur concurrently with the consideration of zoning changes. The committee generally agreed that there should be a concept review prior to a full application being submitted to the Council and that the CDC should be the reviewer of the concept to provide feedback and determine if it meets the minimum threshold requirements.

A. Stearns will use the conclusions from this meeting to prepare an updated draft outline. The committee concluded that a draft amendment will not be ready for an introduction on July 25. There are policy issues that need to be reviewed and agreed upon by the full Council before language is finalized.

3. **Other Business** - none
4. **Next Meeting** – the CDC will meet next Wednesday at 3:00 p.m. to complete a draft outline for presentation at the July 25 Council meeting.
5. **Adjourn** – The meeting was adjourned at 5:15 pm.

Minutes prepared by Amanda Stearns July 22, 2016
Approved August 2, 2016