♦ **GPCOG** **Greater Portland Council of Governments**

DATE: June 10, 2013

TO: Board of Selectman

FROM: Stephanie Carver, Senior Planner, Greater Portland Council of Governments

RE: Shoreland Zoning Memo by Linda Krause, Frye Island Parking Facility 4/20/13

At the request of town staff, I have reviewed the recommendations set forth in Ms. Krause's memo dated April 20, 2013. Although I agree with these recommendations, I have a few additional thoughts and suggestions.

The Frye Island site plan review and ordinance language issues are complex. Ms. Krause's assertion that the parking facility is an accessory use without a primary use is not currently supported by the language in Raymond's Land Use Ordinance or Shoreland Zoning Ordinance. In my opinion, an ordinance can list parking as either an accessory or principal use, and Raymond's does not classify it as either. Although the Use Table in the ordinance states parking is allowed with PB approval in the LLR2 zone, it does not specify whether the parking must be accessory to a principal use or is considered a principal use itself. Furthermore, the zoning ordinance permits satellite parking off-site under certain circumstances allowing for the argument that the ferry and its docking structure is the principal use and the parking area is accessory and located on an adjacent parcel (Article 9.C.3). Although I agree with Ms. Krause's recommendation to only permit parking as an accessory use to a permitted principal use in the Shoreland Zone, I think the town should present the proposed language to its attorney for review and inquire if any precedent has been regarding these issues.

Another major issue cited by Ms. Krause that will affect the Boards review of this proposal is that the ordinance does not offer guidance to the board regarding the number of spaces appropriate for a stand-alone parking facility, nor accessory parking for a ferry. It does require the applicant to submit a parking study with an analysis of the parking needed for the proposed use if it is not documented specifically in the ordinance but is allowed in the zone. The Planning Board should require the applicant to provide such a study as part of its application.

It is a reasonable concern of the abutters that there is potential for further expansion to what is currently proposed on the site. Though the current number of spaces may temporarily alleviate the traffic issues on Frye Island, it is doubtful it will provide a long term solution in light of the potential for additional residential build-out on the Island. I have not reviewed the application and plans submitted by Frye Island, and I am not aware of the total footprint vs. the acreage of the site. However, it should be noted that the Shoreland Zoning Ordinance caps the footprint of all non-vegetated surfaced at 15% in the Shoreland Zone (Section 15.B.5).

Ms. Krause has suggested several revisions to the existing Shoreland Zoning Ordinance in order to insure that the current proposed site plan for the Frye Island is unable to continue to expand in size. I agree with these revisions but I suggest clarifying, and creating consistency among the ordinances. Specifically, all definitions should be consistant in both the Land Use and Shoreland

Ordinances. Also, rather than clarifying the term "municipal" with a footnote as Ms. Krause suggests, I would simply add a definition for the term into the ordinance definition sections.

In addition to considering changes suggested by Ms. Krause, I feel the Board should consider another approach. Direct negotiation and mediation with the applicant can be more effective than amending regulation to address a unique situation not likely to occur elsewhere in town. Sitting down face to face with the applicant, in this case a neighboring municipality, and drafting an MOU or a master plan relating to the ultimate vision for this site could have a more lasting impact, and insure a mutually agreeable compromise is met. GPCOG would be happy to assist with such a process.