

Question ____: Shall an ordinance entitled “Amendments to the Land Use Ordinance of the Town of Sebago to Include the Services of a Town Planner, Increase Public Participation, and Make Other Administrative Improvements” be enacted?

Question ____: Shall an ordinance entitled “Amendments to the Shoreland Zoning Ordinance of the Town of Sebago to Include the Services of a Town Planner” be enacted?

Summary of Proposed Amendments to the Land Use Ordinance and the Shoreland Zoning Ordinance of the Town of Sebago

1. Role of Town Planner

The amendments include new definitions of “Town Planner” and “Code Enforcement Officer” in the Land Use and Shoreland Zoning Ordinances in order to clarify their respective roles. The Town Planner is charged with assisting the Planning Board in reviewing applications requiring Planning Board approval; the Code Enforcement Officer is charged with administering applications requiring approval by the Code Enforcement Officer and with overall enforcement of the ordinances.

The proposed amendments provide for the Town Planner to support the Planning Board in connection with Site Plan, Subdivision and Shoreland Zoning Permits. Under the proposed amendments, the Town Planner reviews applications to see if they include all required information before they are placed on the agenda of a Planning Board meeting. The Town Planner may also recommend that additional studies be conducted by the applicant or that an escrow account be established at the applicant’s expense to enable the Planning Board to retain independent consultants to assist the Planning Board in its review. The Planning Board is encouraged to seek the services of the Town Planner to assist the Board in its decision-making by preparing proposed findings of fact and conclusions of law for the Planning Board’s consideration.

2. Additional Public Notice and Participation

The proposed amendments provide additional public notice in connection with site plan applications for major developments and applications for subdivisions with five or more lots. Public notice is required before the Planning Board makes a completeness determination on such applications and the public is provided an opportunity to comment on whether an application is complete. The proposed amendments also require the Planning Board to conduct public hearings on site plan applications for major developments. Under the current ordinance, public hearings are required for all subdivision applications, but are optional for site plan applications.

3. Administrative Improvements

The amendments also correct a number of provisions in the Land Use Ordinance in order to improve the administration of the ordinance and reduce the likelihood of legal challenges. For example, Section 8 provides that review of a sketch plan and application for a subdivision, a site visit, and the conduct of a public hearing do not constitute “substantive review” for purposes of 1 M.R.S. § 302. The amendments provide for the Planning Board to adopt a vote to commence substantive review after the Planning Board determines that an application is complete. The amendments also remove duplicative provisions and change numerous references to the “Board of Selectmen” or “Selectmen” to the “Select Board”.