

To: East Side Working Group

From: Dan Bacon, Gorrill Palmer

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First Level Goals for East Side Zoning

- Protect and encourage existing maritime/water dependent uses; "do no harm"

Strongly agree – an approach to "do no harm" is to establish an "overlay" district that does not change or prohibit any of the current maritime/water dependent uses, but rather only adds an additional "harbor mixed use" zone or similar to areas of the East Side to enable the non-marine investments to occur and complement the existing marine activities

- Allow existing businesses to renovate, relocate, rebuild, and reinvest so that their businesses might flourish.

Strongly agree – this is one of the primary reasons to update the zoning. The zoning approach needs to be customized for the existing conditions and businesses on the East Side. Settling for a template statewide Shoreland Zoning Model is unlikely to enable significant reinvestment and spur new businesses and development

- Create public access to the harbor.

We agree that public access is a laudable goal and could be very beneficial to the East Side and broader community. That said, requiring public access of all new development within a zoning district is legally suspect (takings without just compensation). Instead providing a zoning incentive or bonus for public access is customary and has been found Constitutional. We support a zoning incentive for public access, but not a requirement

Second Level Goals for East Side Zoning

- Improve pedestrian access and safety along Atlantic Avenue.

Agree – and we provided draft standards for this in our earlier zoning proposal

- Reduce impervious surfaces and improve stormwater management.

Generally agree – we agree with improving stormwater management and reducing the amount of parking and paved surfaces, particularly along the waterfront. That said, there are a variety of non-conforming sites with significant impervious areas that we feel need well-crafted zoning allowances to incentivize reducing impervious areas and installing stormwater treatment measures. This is a very important topic to get into further detail and is directly related to the "setback new construction from high water" category

- Require new construction to be resistant to sea level rise and storm surge.

Agree – we support new construction that is resistant and resilient to these types of environmental impacts, particularly given the level of investment planned

- Manage building heights to enhance and/or protect views.

Agree – we support balancing a modest increase in allowed building height (35') with provisions for view corridors and have provided draft language that can successfully enable this

- Reduce setbacks from side yards and streets to encourage flexibility in design.

Strongly Agree – reduced setbacks from front and side yards are important to enable additional design flexibilities as well as improvements in how new buildings engage with the street

- Setback new construction from high water.

Agree for new construction and disagree for redevelopment – requiring new construction to be setback 25' on properties that don't currently have development within 25' from high water is fair and reasonable. But on properties that have existing structures and paved area within 25' of high water and/or over the water, we believe setbacks for redevelopment should be less than 25' in order to enable redevelopment that improves on the existing non-conformities. Otherwise these non-conforming situations will likely remain and site improvements and investment will be limited

- Review and amend permitted uses in the district, including residential uses.

Strongly agree – we support supplementing the current zoning with a range of non-marine commercial and residential uses to spur investment and activity and compliment the existing marine economy. We've provided a draft list of permitted uses that can serve as a starting point for discussion

- Seek to link public access on adjacent properties.

Agree that public access linkages are desirable, but we believe that it is a goal that should either be incentivized in the zoning proposal (not required) or be a separate local initiative outside of any new land use regulations