

April 25, 2024

Dear Fayette Select Board,

The Joint Land Use Committee, appointed by the Select Board in September 2023, respectfully presents the proposed amendments to the Fayette Land Use Ordinance, to be voted upon at the 2024 Annual Town Meeting. Accompanying proposed amendments to the 2023 Comprehensive Plan are publicly posted while undergoing State Consistency Review; we should receive findings of that review before the final warrant posting deadline.

Since September, the Committee has worked diligently with a Board of Advisors and members of the public to prepare the proposed amendments, including:

- 15 public meetings
- A well-attended open house on January 3, 2024
- An opinion survey with 124 respondents, and
- A widely-advertised public hearing on March 11, 2024

The committee was assembled under the direction of the 2023 Comprehensive Plan, and a few goals were identified:

- To implement the regulatory aspects of the 2003 Comprehensive Plan Land Use Vision and Land Use Plan
- To incorporate the mandates set forth in LD 2003, frequently referred to as the Affordable Housing Law, and the subsequent LD 1706 that was signed into law June 2023
- To address remaining inconsistencies with the Mandatory Shoreland Zoning Guidelines
- To review the land use ordinances for inconsistencies, outdated references, current best practices, and general readability
- To ensure that all recommended amendments were consistent with the Comprehensive Plan, approved at the 2023 Annual Town Meeting.

The Committee carefully reviewed and discussed every single regulation in the Land Use Ordinance to determine if each was necessary for the residents of Fayette. Our goal was to keep standards to a minimum to protect the environment and rural character, while preparing the town to review any potentially intrusive development proposals. We addressed a fair number of inconsistencies and vague language, and did our best to apply common sense.

Notable changes:

- Fayette's Subdivision, Utility Scale Solar, and Acceptance of Town Roads Ordinances have been pulled into the LUO, simplifying four ordinances into one. Conflicting definitions and standards have been reconciled.
- Many of the standards that are required in the Shoreland Zone were being applied townwide. A thorough review has been conducted, and a separate set of standards for the Shoreland Zones has been created. This relaxes standards in the rest of the town.
- The Shoreland District will change to the "Lakefront District," and the Rural Growth District will be called the "Village District." This eliminates some confusion in the Shoreland Zoning laws and highlights the character of Fayette.
- A new "Land Use Review" process clearly documents how typical permits may be obtained from the CEO or the Planning Board.
- A "Development Review" process has been created, which will protect the town from potential undesired effects of large-scale development. This process will also allow for a simpler, streamlined process for small-scale development and independent business owners.

- Standards for Driveways and Roads have been consolidated into one section, clarifying standards, processes and responsibilities that are common practice now but not formalized anywhere.
- The minimum road setback has been reduced to 50 feet and a standard for waivers has been added.
- The minimum road frontage and impervious surface requirements in the Rural Growth/Village District have been reduced to allow for denser development that will still protect the environment.
- Two principal dwelling units, or one principal and one accessory dwelling unit, will be allowed on conforming lots outside of the Shoreland Zone, and may be allowed in the Shoreland Zone if requirements are met.
- Created more defined guidelines around Accessory Dwelling Units.
- The Town will no longer regulate docks and piers beyond the high water line, as this has become optional in Shoreland Zoning and will reduce work for the CEO.
- Standards for abutter notifications, site visits and public hearings have been clarified.
- A small expansion of the Rural Growth/Village District, which highlights where the most concentrated population is in Fayette and accommodates portions of the Affordable Housing Law. The allowance of mobile home parks will be limited to the Village District, where they are now allowed town wide.

There are two separate versions of this draft. One is marked up with changes from the old language identified in Articles I, II, III, IV and V and XI (the other Articles are all new language). The other is a clean version, with only the definitions remaining marked up, identifying the source (other ordinance, state law, et cet.). The clean version will be much easier to read.

We look forward to feedback from the Select Board and the public on April 30, and plan to meet the following day to incorporate desired changes into the amendments. We also realize there are remaining formatting inconsistencies from the merger of multiple documents, and the two tables in Article IV remain with columns in different order and partial alphabetizing of the rows (as they are in the current LUO). We welcome these being pointed out and will implement what we can over the next two weeks but suggest uniform formatting be addressed after the amendments are approved. The clerical time involved is significant and the proposal allows for the Town Clerk to renumber sections following these and any future amendments.

Respectfully submitted on behalf of the Committee,

Mary Ann Hayes

Mary Ann Hayes, Chair
Joint Land Use Committee

Members: Lacy Badeau, Belinda Bothwick, Roy Krout, Andy Lilienthal, Joe Stevenson
Staff: Jessica Leighton