

# CHAPTER 11

## **LAND USE & REGULATORY FRAMEWORK**

This chapter of the Casco Comprehensive Plan is a portion of the Inventory and Analysis section of the plan. The purpose of this section is to answer some of the questions about existing and future land use. However, a much deeper analysis, discussion, and set of action strategies are identified in Part I of this plan under “A Vision for Tomorrow”.

## Analyses

***[STATE REQUIREMENT: “Is most of the recent development occurring: lot by lot; in subdivisions; or in planned developments? Is recent development consistent with the community’s vision?”]***

There has been a dramatic increase in building permit requests in recent years; last year saw double the number of the year prior at over 200 permits requested. Popular requests include permits for renovations and accessory apartments, the latter of which has seen an increase in requests for permits. Casco has been more willing to accept in-law apartments because the additions would not require full kitchens and washer/dryer so would be more efficient. Although based on the number of requests the community seems to have interest in accessory apartments, the planning board has been hesitant to change allowances for in-law apartments to the more general accessory apartments because residents of accessory apartments would be less likely to share amenities with the main building and thus would lack the same efficiency of in-law apartments. Even with in-law apartments, there is some concern that after the apartment is sold, it might become a full apartment. There could also be problems as septic systems and amenities designed for the main house may not accommodate additional users.

***[STATE REQUIREMENT: “What regulatory and non-regulatory measures would help promote development of a character, and in locations that are consistent with the community’s vision?”]***

Casco’s regulations are business friendly with few barriers to development. The Casco Code Enforcement Department has a tiered site review process in which permit requests for developments small enough, under 5,000 square feet, are granted through Code Enforcement

staff review rather than all the way through the Planning Board which approves larger projects. The process is very supportive of small developments as it allows projects under the threshold to proceed more efficiently. While regulation allows for it, Casco has not seen the type of development that is desired in businesses such as restaurants and small, local shops. To bolster the benefits of the tiered site review, the threshold at which permit requests must go to the Planning Board could be raised. As it stands, many businesses have stayed just under 5,000 square feet. Additionally, Casco has very slim design standards which could be made to better fit the ideal of the Town, particularly in areas like the Village to preserve the distinct character.

In recent years, there has been commercial development, especially in marijuana cultivation and solar projects. These are not the types of development desired most by the community, but the state has been slow to instruct towns how to regulate them. As an aesthetic solution, most of the solar projects will be screened from the main roads, but some residents fear the projects taking up natural space that is so critical to the town’s identity.

Community desires do not align with the code as residents often attempt to split a lot at an acre to sell for a minimal amount. Casco has a back lot standard but people rarely take advantage of it.

***[STATE REQUIREMENT: “Is the community’s administrative capacity adequate to manage its land use regulation program, including planning board and code enforcement officer?”]***

As reported by the town’s code enforcement officer, the community’s administrative capacity is adequate to manage its land use regulation program.

***[STATE REQUIREMENT: “Are floodplains adequately identified and protected? Does the community participate in the National Flood Insurance Program? If not, should it? If so, is the floodplain management ordinance up to date and consistently enforced? Is the floodplain management ordinance consistent with state and federal standards?”]***

The town has reported that flooding is not a problem and is under control through the use of dams. The last major flooding event occurred in the Patriot’s Day Nor’easter, after which the town took extra flooding precautions including increasing culvert size.

Floodplains are adequately identified and protected. The floodplain management ordinance is up to date and consistently enforced.

## Conditions & Trends

***[STATE REQUIREMENT: “An existing land use map, by land use classification (such as mixed-use, residential, commercial, institutional, industrial, agricultural, commercial forests, marine, park/recreational, conserved, and undeveloped land). A description or map identifying the location of lots and primary structures created within the last ten years. Include residential, institutional, commercial, and industrial development.”]***

See “A Vision for Tomorrow” in Part I of the plan. See “Conservation, Preservation, and Development Map” which identifies and describes existing land use activities and development, and where future intended development is desired. Casco’s zoning map is unique in that its districts align with its historic future land use map. This alignment will continue with the adoption of this plan, though recommendations do suggest further refinement of zoning districts to better guide development. A “Vision for Tomorrow” also describes where development has occurred over the past 10+ years - and historically.

***[STATE REQUIREMENT: “A summary of current district lot dimensional standards.”]***

**The following applies to the Village District:**

§ 215-4.5 Village District (V). Space standards.

(1) Minimum lot size: 60,000 square feet. (2)

Minimum land area per dwelling unit (for duplex, multiplex and PRDs): 60,000 square feet of net residential area. [Amended 6-12-2013 by Art. 27]

(3) Maximum building coverage: 20%. (4) Minimum road frontage: 150 feet. (5) Minimum setbacks:(a) Front: 40 feet. (b) Side: 15 feet, except as provided in Subsection C(6) below. [Amended 6-15-2002 by Art. 72] Rear: 15 feet. (6) Reduced side setback for accessory structure. The minimum side setback for an accessory storage structure of 100 square feet or less of floor area shall be 10 feet, provided that all of the following conditions are met:

[Added 6-15-2002 by Art. 72; amended 6-14-2017 by Art. 27] (a) The accessory storage structure must meet all other setback requirements.(b) All structures larger than 100 square feet in area on the property abutting the side of the accessory storage structure shall be set back at least 15 feet from the shared property line. (c) The height of the accessory storage structure shall not exceed 12 feet. (d) No more than one accessory storage structure per lot shall be entitled to the ten-foot side setback. Any additional accessory structures must meet the full fifteen-foot setback requirement. (e) The use of the accessory storage structure shall be exclusively for storage. There shall be no human occupancy of the accessory storage structure and no cooking or bathroom facilities shall be permitted in the structure. (f) No variance shall be permitted from this ten-foot setback requirement. (7) Maximum building height: 35 feet.

**The following applies to the Residential District:**

§ 215-4.6. Residential District (R). Space standards. (1) Minimum lot size: 80,000 square feet. (2) Minimum land area per dwelling unit (for duplex, multiplex and PRDs): 60,000 square feet of net residential area. [Amended 6-12-2013 by Art. 27] (3) Maximum building coverage: 15%. (4) Minimum road frontage: 200 feet. (5) Minimum setbacks: (a) Front: 50 feet. (b) Rear: 25 feet. (c) Side: 25 feet, except as provided in Subsection C(6) below. [Amended 6-15-2002 by Art. 72] (6) Reduced side setback for accessory structure. The minimum side setback for an accessory storage structure of 100 square feet or less of floor area shall be 10 feet, provided that all of the following conditions are met: [Added 6-15-2002 by Art. 72; amended 6-14-2017 by Art. 27] (a) The accessory storage structure must meet all other setback requirements. (b) All structures larger than 100 square feet in area on the property abutting the side of the accessory storage structure shall be set back at least 25 feet from the shared property line. (c) The height of the accessory storage structure shall not exceed 12 feet. (d) No more than one accessory storage structure per lot shall be entitled to the ten-foot side setback. Any additional accessory structures must meet the full twenty-five-foot setback requirement. (e) The use of the accessory storage structure shall be exclusively for storage. There shall be no human occupancy of the accessory storage structure and no cooking or bathroom facilities shall be permitted in the structure. (f) No variance shall be permitted from this ten-foot setback requirement. (7) Maximum building height: 35 feet.

**The following applies within the Shoreland District:**

§ 215-9.14 Minimum lot standards. Area requirements within the shoreland zone:

	Min. Lot Area (sq. ft.)	Min. Shore Frontage (ft.)
Residential, per dwelling unit	80,000	200
Governmental, institutional, commercial or industrial, per principal structure	80,000	300
Public and private recreational facilities	80,000	200

**The following is required as a general restriction:**

§ 215-3.1 General restrictions. D. If more than one residential dwelling unit is constructed on a single lot or parcel in any district except for Commercial, all dimensional requirements for that district shall be met for each additional dwelling unit. E. If one residential and one commercial structure, or two or more commercial structures, are sited on a single lot or parcel in the Commercial District, all dimensional requirements for the Commercial District shall be met.