

AMENDMENT TO CUMBERLAND ZONING ORDINANCE
SECTION 206.8A
RE: ECONOMIC REVIEW OF LARGE-SCALE RETAIL DEVELOPMENT

Section 206.8A **ADDITIONAL REVIEW REQUIREMENTS FOR LARGE-SCALE RETAIL DEVELOPMENT**

In addition to the criteria set forth in Section 206.8, applications for large-scale retail development shall meet the following additional standards of this section.

.1 Purpose of section

The State of Maine passed the Informed Growth Act (30-A M.R.S.A. Chapter 187, Subchapter. 3-A) to establish additional development review criteria that evaluate the economic impact of large-scale retail development. Section 4371 of the Informed Growth Act provides for an exemption for municipalities that have "adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration, among other evidence, in applying the review criteria to the application." The purpose of this Section is to comply with the requirements of 30-A M.R.S.A. § 4371.

.2 Definitions

For purposes of this section, the following definitions shall apply in addition to those set forth in Section 104 of this Ordinance:

Comprehensive economic impact area: The geographic area affected by a proposed large-scale retail development. The area includes Cumberland and may include abutting municipalities.

Comprehensive economic impact study: A study that estimates the effects of a large-scale retail development on the local economy, Town Center and community.

Land use permit: Approval granted by the Planning Board for major developments pursuant to Section 206 of this Ordinance.

Large-scale retail development: Any single retail business establishment having a gross floor area of 75,000 square feet or more in one or more building at the same location and any expansion or renovation of an existing building that will result in a single retail business having a gross floor area of 75,000 square feet or more except when the expansion or renovation is 20,000 square feet or less.

Undue adverse impact: The estimated overall negative effects within the comprehensive economic impact area outweigh the estimated overall positive effects, as determined by the factors set in Subsection 4 of this Section. A finding of undue adverse impact must be based upon a determination that the estimated negative effects of at least 2 of these factors outweigh the positive effects on those factors.

.3 Preparation of comprehensive impact study

An applicant seeking a land use permit for a large-scale retail development must complete and submit for Planning Board review and findings a comprehensive impact study as part of the review process required by Section 206 of this Ordinance.

- a) Qualified preparer. A comprehensive economic impact study must be prepared by a person or firm, other than the applicant, that is qualified by education, training and experience to prepare such a study.
- b) Selection of preparer. The applicant shall choose the preparer and directly pay the preparer for the services required to prepare and present the study.
- c) Peer review. The Town may choose to have the study peer reviewed, at the applicant's expense, by a consultant of the Town's choice.

.4 Contents of comprehensive impact study

The comprehensive economic impact study, using existing studies and data and through the collection and analysis of new data, must identify the economic effects of the large-scale retail development on existing retail operations; supply and demand for retail space; number and location of existing retail establishments where there is overlap of goods and services offered; employment, including projected net job creation and loss; retail wages and benefits; captured share of existing retail sales; sales revenue retained and reinvested in the comprehensive economic impact area; municipal revenues generated; municipal capital, service and maintenance costs caused by the development's construction and operation, including costs of roads and police, fire, rescue and sewer services; the amount of public subsidies, including tax increment financing; and public water utility, sewage disposal and solid waste disposal capacity.

.5 Public hearing

- a) Public hearing required. As part of the development review process for a large-scale retail project the Planning Board shall hold at least one public hearing where the comprehensive impact study will be presented and discussed prior to a decision on the application for a land use permit. Members of the public will have the right to be heard on the comprehensive impact study and to present

evidence on the standard set forth in subsection 6 of this section in addition to any other applicable land use standards.

- b) Notice. Notice of the public hearing on the land use permit application for a large-scale retail development must state that the comprehensive economic impact study will be presented at the hearing and that the Planning Board will take testimony on the comprehensive impact of the proposed project. The notice shall advertise said public hearing in a newspaper of general circulation in the Town at least two (2) times, the date of the first publication to be at least six (6) days prior to the date of the hearing. Notice of the hearing will be sent by regular mail to abutters within 1,000 feet of the proposed development and to the municipal officers of abutting municipalities.

.6 Land use permit approval

In addition to other applicable development review criteria required by this Ordinance, the Planning Board shall evaluate the impacts of the proposed large-scale retail development based on the comprehensive economic impact study, other materials submitted to the Planning Board by the Town's peer review consultant if one is utilized, and other persons and entities, including the applicant, state agencies, nonprofit organizations and members of the public; and testimony received during the public hearing to determine whether the overall negative effects of the proposed project outweigh the overall positive effects. The Planning Board may deny the land use permit on the basis of economic impact only if it determines that there is likely to be an undue adverse impact.