

MINUTES OF THE COMPREHENSIVE PLAN COMMITTEE

April 5, 2018

7:00 p.m. Town Hall

Present: Timothy Thompson, Chair
Elizabeth Goodspeed
Penelope A. Jordan
Sara W. Lennon
Victoria Volent

Absent: Peter Curry, Susana Measelle Hubbs, Kevin Guimond, Harvey Rosenfeld

Also present: Maureen O'Meara, Town Planner

Call Meeting to Order

Mr. Thompson called the meeting to order and asked for public comment.

Public Comment

Each audience member introduced themselves.

Kristie Rabasca is a resident of the town and an employee of the town whose job is to implement the Clean Water Act, stormwater management.

John Green, Sprague Corporation Property Manager.

Seth Sprague, President of Sprague Corporation.

Paul Seidman, someone who likes to come to meetings.

Approval of minutes: March 22, 2018

The minutes were not available so they were tabled to the May 3, 2018 meeting.

Natural Resources Chapter

Ms. Jordan is concerned about water resources for agriculture. She said habitats sit within agricultural property and encumber with unnecessary regulations.

Alewife brook is all silted in because of development. There are no little fish in there.

Ms. Goodspeed said there are fish in there because they (CELT) have done a count for the past two years, and will do one again this year.

Ms. Jordan said you need to think about water flow and how it affects agriculture.

Ms. Volent asked about the time frame, and that the Planning Board is always concerned about that when they look at developments.

Ms. O'Meara then said that this discussion should be held during the agriculture chapter, in order to not repeat everything in each chapter. She said the natural resources chapter is to include all the wetlands, all the plant habitat, all the animal habitat, floodplain and sensitive areas, such as sand dunes and scenic areas.

The water resources chapter will cover the ponds, lakes, rivers, and the sea level rise.

In the Marine Resources Chapter, will be those things that are on the coast, the fish and coastal birds.

Ms. Lennon said there is a lot of data in these chapters, but not a lot of policy.

Ms. O'Meara said it is not her plan, but yours. It is up to the Committee to decide on the policy. The State has requirements and then the Committee has to come to its own recommendations.

Ms. Volent talked about septic systems, which was on page 5. She wants a recommendation on that subject and is not sure which chapter is best suited for that one. She said we should begin to monitor and evaluate extending the sewer system to existing compact areas on septic systems.

Ms. Goodspeed said there needs to be testing of water quality as a part of this. There are grant opportunities for water quality testing.

Ms. O'Meara said this belongs in the Water Resources Chapter. She said she is also hearing that we should expand the sewers and that should go in the Public Facilities Chapter.

Ms. Goodspeed said she has a concern about invasive species, and has written a paragraph for inclusion in the chapter. She would propose a goal determining the scope of the problem, and determining any protective measures we want to take. She then read the paragraph and goals that she is proposing for inclusion in the chapter.

Ms. O'Meara will include this in the next draft.

Ms. Volent asked about taking steps similar to South Portland's regulation of pesticides. Ms. Jordan does not want local regulation of pesticides. Ms. Lennon was in favor of a goal to educate people about the uses and consequences of pesticides. The committee was in agreement that they were not in favor of local pesticide regulation in Cape Elizabeth.

Ms. O'Meara gave the Committee the choice on the size of the maps in the final version. The Committee all agreed that they would like to have the 11x17 size.

There was a discussion of habitat maps. Ms. O'Meara acknowledged that those maps are controversial, and were not included in the 2007 plan. However, the State now requires that there be maps of habitats and so they are included in this plan. She also noted that the Town is already providing substantial habitat protection through the local resource protection districts. The information on the maps has been presented to demonstrate the effectiveness of the existing local resource protection regulations. She encouraged the Committee to review and make suggestions to what she has drafted.

Ms. Goodspeed suggested an easement in perpetuity to cover the town farm parcel. A discussion of open space restriction techniques, by the town and CELT, ensued.

Ms. O'Meara suggested they could discuss that in the Open Space and Recreation Chapter.

Ms. Volent had a question about the second paragraph on page 5.

Ms. O'Meara said since the wetland buffers are so restrictive, some people have proposed to reduce the 250 ft. buffer by planting more vegetation or somehow making an alteration to that 250 ft. limit.

Ms. Jordan had a point to make about the burden of many regulations on large landowners.

Ms. O'Meara will take out the paragraph about reduced buffers with qualitative vegetation standards.

A motion to accept the first reading of the Natural Resources Chapter was approved 5-0.

Ms. O'Meara requested that the Committee draft the key findings for that chapter.

Water Resources Chapter

Ms. O'Meara reviewed the chapter and pointed out several items. She said the state data shows that Spurwink River has some bacterial problems. They do not know if any of the problem is in Cape Elizabeth, or is all in Scarborough. Do we need to revisit the discussion of sewer coverage in town?

On the Casco Bay side of town, there are overboard discharges that need to be looked at.

Looking at freshwater, local water bodies on the State list do not have much detail. She said she wanted to emphasize that they are already doing a good job and they will continue. She mentioned the adoption of the new high water mark definition, and said it is a significant achievement.

Ms. Lennon asked why it was a controversial issue.

Ms. O'Meara said that the change of definition results in having a larger setback from the shore.

Ms. Goodspeed is concerned about dealing with sea level rise as it affects our roads.

Ms. O'Meara suggested that should be addressed in the transportation chapter.

Ms. Lennon and Ms. Volent want to pursue electric car charging stations in the town.

Ms. Volent cited the overboard discharges and their effect on the water quality of the bay. Peabbles Cove has been identified as having poor water quality by the Friends of Casco Bay.

Ms. O'Meara said she needs to follow up on this and find out more information.

Ms. Jordan wants something in here that addresses the level of flooding from large storms.

Ms. O'Meara said the HAST +3ft. is the primary way the Town is dealing with that. There is also the pump station on Spurwink Avenue that will be flooded with sea level rise. That will need to be part of the Public Facilities Chapter. You can make a recommendation that utilities, roads and other facilities need to abide by the standard of HAST+3ft.

Mr. Thompson wants a goal to have water quality testing.

Ms. O'Meara said she will work up a recommendation for review.

Alewife Brook was discussed, and Ms. O'Meara said that there is a dam in the brook that is made of rocks. An abutter has covered the rocks with plastic and the fish could no longer swim through the dam to get to Great Pond. The plastic has been removed, but the dam needs some work so that the alewives can swim through and the dam will still hold water for irrigation.

Ms. Volent asked about the water quality in Great Pond.

Ms. O'Meara said the State does not test the quality of Great Pond, but the Town has done some testing and the quality is stable.

Mr. Thompson said he would like to see a goal to include water testing.

A motion to accept the first reading of the Water Resources Chapter passed 5-0.

Public Opinion Survey Report review (per request of committee member)

Ms. Lennon said she was the one who requested the review because she wants to know the best method to incorporate the survey into these chapters.

Ms. Jordan said we just need to keep the survey and Loomio and the other feedback in mind as we work through the chapters.

Ms. Goodspeed said she liked that in the previous chapter, the public's opinion was referenced. She volunteered to put an article in the Cape Courier about the public survey.

Mr. Thompson said he and Ms. O'Meara would draft an article and bring it to the next meeting for approval.

Public Participation

- Schedule Public Forum
- Online forum - Next questions, moderators, summaries

The Public forum was tentatively scheduled for June 13. At the next meeting, they will decide if they want to have a presentation at the Family Fun Day or the Strawberry Festival.

The topics and moderators for the online forum were chosen.

Committee Member Items

There were no committee member items.

Public Comment

John Green said that a buffer zone can have a massive impact on a large land owner. A small change in the size of a buffer zone can affect a large area of land. He spoke about the animal habitat map. The deer wintering areas don't really exist on the estate. They are not static, they move, so what you see on the map is not reality. Some of these maps you can assume these things exist. To have these plants and animals mapped, but they are not there. These maps are not helpful. In the implementation steps, it says to minimize the effects on wildlife habitat, but that is not an accurate map. It means scrutiny of stuff that does not exist.

Paul Seidman said Casco Bay is warming faster than other areas of the East Coast. How will that affect farming, lobstering etc?

Kristie Rabasca thanked the Committee for their work. These chapters touch what she does for work. The DEP does water quality testing, but they do not come here into this area. She supports the goal of water testing. Peabbles Cove is a good area to be tested and said they may get some support from Maine Healthy Beaches. Part of the stormwater program that the Town implements has an extensive public education component. Cumberland County has a program for healthy yardscaping without pesticides. Public services, for water quality has a man named Bryan Lewis, who is at the Department of Marine Resources.

Seth Sprague thanked the Committee for their work. We are interested in protecting the resources. We are a private entity and we feel strongly about protecting our property rights. Be careful about eroding our rights. We really have a problem with the maps. The public will see these maps and say that our property is an ecological area. What is that? We are sensitive about that and are pushing back against that.

Next meeting is Wednesday May 3, 2018.

The Committee voted 5-0 to adjourn at 9:25 pm.

Respectfully submitted,

Hiroimi Dolliver
Minutes Secretary