

TOWN OF CAPE ELIZABETH
MINUTES OF THE COMPREHENSIVE PLAN COMMITTEE

August 2, 2018

7:00 p.m. Town Hall

Present: Timothy Thompson, Chair
Peter Curry
Kevin Guimond
Susana Measelle Hubbs
Penny Jordan
Sara Lennon
Harvey Rosenfeld
Victoria Volent

Absent: Elizabeth Goodspeed

Also present: Maureen O'Meara, Town Planner

Call Meeting to Order

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

Public Comment

Becky Fernald of 313 Mitchell Road questions the projected growth numbers. She feels like it is a prescription for growth. She doesn't want to see every bit of land in the growth areas developed. We still need to preserve the rural character. It seems to be a prescriptive document to develop land that is not currently developed.

Paul Seidman of 21 Oakview Drive said the 120 is in bold in the draft. He knows the argument that it's not bad to over predict, but why go higher than you need to?

Approval of minutes: July 5, 2018

The minutes of July 5, 2018 were approved (with minor typos to correct), 8-0.

Existing Land Use Chapter (second draft)

Ms. Lennon said she has more recommendations but doesn't know if they go here or into the open space chapter. She read a couple of her proposals and it was agreed that they should either go in the future land use chapter or the open space chapter.

Mr. Guimond is concerned that existing small lots have the same large setbacks as much larger lots. He would like to be able to accommodate in law apartments or larger homes.

Ms. O'Meara said if you created your small lot legally, it is considered a non conforming lot and there are separate setback requirements for those lots. If you want, you could make a recommendation in the future land use chapter to review the setbacks for non conforming lots to allow reasonable expansion.

Mr. Curry asked how much of the open space in town is accessible to the public.

Ms. O'Meara said almost every parcel of town open space is available to the public.

Ms. Lennon wants the FOSP definition of open space written into a goal.

Ms. O'Meara said it is already in the open space chapter.

Ms. Lennon wants that definition to be in a goal.

Ms. O'Meara explained that the Planning Board rules for open space in new development are much more specific than the FOSP definition. She said the Zoning Ordinance, Sec. 19-7-2 is where to find the definition of open space. The town emphasizes public access.

The Committee voted 8-0 to approve the second draft of the existing land use chapter.

Future Land Use Chapter (partial first draft)

Ms. Lennon said 120 is our number (of units to be built over the next 10 years). Given the number of units that are currently in the pipeline, they have been approved by the Planning Board, don't those count against that number? Shouldn't those existing units be subtracted from the 120?

Mr. Thompson asked if she was referring to Maxwell Woods and 1226 Shore Road.

Ms. Lennon said those were the projects she was referring to. She said Maxwell Woods is 46 units and 1226 Shore Road is 8 units, Shouldn't we be subtracting 52 from the 120? Ms. Lennon said we should have the number be 120 minus 46 minus 8.

Mr. Thompson said the 120 that they came up with at the last meeting was an estimate of what we think the next 10 years could look like. That estimate was based on what the last 10 years was, and we were substantially less in actuality than what the last comprehensive plan group had thought that estimate was going to be.

Ms. Lennon said the question is whether we need to plan for 120 or do we need to subtract 52 because those are already accounted for? We need to clarify that of the 120, 52 are already planned. What is the number we need to plan for?

Mr. Curry said he doesn't see the problem. It's still 120 and if you want to say that a certain number are in the pipeline that's ok, but the total is still 120. You are looking at the net, not the total.

Ms. Lennon said the number is important because it can mean changes to the ordinances and a lot of work for the Planning Board and a lot of work for the Ordinance Committee. Are we going to do all this work on the ordinances and density based on the 120 or on the 50.

Ms. Hubbs said it was just a clarification, did that original number include what's already projected or not? If it didn't include that projection then it's fair enough to include that in parentheses.

Ms. Volent noted how the estimate was arrived at. She asked how many changes would be needed if the number was different.

Ms. Lennon said it is important if they have to plan for 120 or for 52. She said her recommendations would be different with a smaller number and Mrs. Volent asked to hear more about her ideas.

Mr. Thompson said that if you eliminate what's in the pipeline you are limiting the number of houses to be built to 5 houses per year over the next 10 years.

The committee agreed to start the build out exercise. They had 120 legos to distribute across the map of Cape Elizabeth. The purpose was to demonstrate how they would choose to align the placement with where they would want development to occur. There were colors on the map to delineate areas where no additional development could occur under the current zoning regulations, and others where limited development can occur and still others with a larger number- up to 30. Ms. O'Meara emphasized that this was not necessarily where development would happen because that depends on what property comes up for sale.

After the exercise, Ms. O'Meara summed up the results. She said they had made provision for subdivisions, they also put some development in areas that

are not in the sewer service area. These areas are not served by sewers are in the RA district. One question the committee may want to consider in the Future Land Use plan is if you want to put them in the RB district?

Ms. Lennon asked if you can rezone someone's land.

Ms. O'Meara said the Council has a process for that. The zoning has to conform to the Comprehensive Plan. There was a discussion about the sewer service areas, and that if they want more development in an area, you may want to propose to expand the sewer service area. She said these are the tools you use to guide development.

Ms. Hubbs said it should be harder to build a house on septic than on sewer.

Mr. Curry suggested that infill should have further review. He wants to advance further study of this subject.

Ms. Volent said she would encourage infill and ADUs.

Mr. Curry is in favor of diversifying housing to accommodate young families and the elderly.

The discussion turned to young couples who may want to live in the town. The issue of affordability for young families was raised as a problem. It affects the school population if young families are not moving into town.

Mr. Rosenfeld said the town must be involved in making more affordable housing available. The town is just not affordable. The town will have to give incentives to make it more affordable or it won't happen.

Ms. Hubbs said the School Board has not looked at that issue. She has, but the Board has not done it at that level.

Several people said there needs to be more rental property available, like the Hill Way project. There are young people living there now.

Mr. Guimond said he knows a young couple who are looking for a home, and could afford a home in Cape Elizabeth, but they are looking in Freeport, Yarmouth or Falmouth because they can get more for their money there. The tax rate affects the decision to move here.

Ms. Lennon said the young people don't want huge houses.

Ms. Hubbs said there needs to be more diversity of housing options.

Mr. Rosenfeld said there needs to be more affordable housing and maybe instead of more open space that is required, there could be more affordable housing.

Ms. O'Meara said there can be a recommendation that this topic could be studied further. She suggested taking their suggestions and formulate them into recommendations, and bring them back next month.

There was a discussion with other opinions about the open spaces, affordability, infill, and diversity.

Mr. Thompson said the new houses being built help to keep the taxes down.

Ms. Lennon said the FOSP study showed that open space preservation reduces municipal costs. Ms. O'Meara noted that FOSP did a study that showed open space is driving up costs because the town is supporting services that are available but not used.

Ms. Lennon wants a suggestion that we permanently preserve all our town owned land. In response to a query, Ms. O'Meara said that all the open space obtained from new development is permanently preserved.

Ms. Jordan does not want to tie the hands of the future councils.

Ms. Volent wants to change the Charter to make it unanimous for the Council to sell or give away town owned or controlled land.

Ms. O'Meara said it is important to mention a recommendation once and state it well, and not repeat it in every chapter. We have 92 recommendations so far.

Ms. Volent said she has some CIP recommendations.

Ms. O'Meara said the sewer can be in the public facilities chapter or it could be here.

Ms. Volent recommends installing an electric vehicle charging station.

Her other recommendations were directed to other chapters.

The committee voted unanimously to accept the first draft of the Future Land Use Chapter.

Public Participation

The online forum: next questions, moderators etc., were discussed. There was a suggestion to ask more open ended questions. The committee agreed to have a near complete draft of the plan posted to the town website with a question asking what was missed.

Status Report (draft)

The committee approved a status report for the Town Council.

Committee Member Items

The next public forum was discussed and decided to be held on October 25. In case Ms. Colby George is not available on the 25th, they can do it on the 24th.

Public Comment

Paul Seidman said thanks to Ms. Volent and Mr. Rosenfeld for their comments on a difficult problem.

Suzanne McGinn of 1180 Shore Road said the Land Trust is monitoring their properties in Cross Hill. They did find 38, mostly small, problems. She said it is important that we do it, and it will be easier going forward.

The next meeting is scheduled for **Thursday, September 6, 2018**. Items on the agenda may include:

- Future Land Use Chapter
- Regional Coordination Chapter
- Public Participation

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Hiromi Dolliver
Minutes Secretary

