

TOWN OF CAPE ELIZABETH  
MINUTES OF THE COMPREHENSIVE PLAN COMMITTEE

May 3, 2018

7:00 p.m. Town Hall

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

Absent: Sara Lennon

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

No one spoke up, so the public comment was closed.

Approval of minutes

The minutes of March 22, 2018 were approved, 6-0 (2 absent)

The minutes of April 5, 2018 were approved, 6-0 (2 absent)

Natural Resources Chapter

Ms. Volent said she had drafted some key findings.

Mr. Guimond said he liked the paragraph on page 10 about pesticides. He likes that they are encouraging education and not proposing a ban.

The committee then had a discussion about whether they should add a statement that they do not advocate a ban. It was decided that they do not want to recommend that there be no ban. They are pleased that there is an advocate for more education.

Ms. Volent stated her suggestions for key findings.

1. 30% of Cape Elizabeth is located in the RP District.
2. Threats to wetlands in Cape Elizabeth have been reduced by strong local wetland regulations.
3. Invasive plants threaten local flora and fauna.
4. Invasive insects are altering forests and transmitting tick borne diseases.
5. 97% of Cape Elizabeth residents support protecting environmental quality
6. 96% of Cape Elizabeth residents support protecting and preserving wetlands, ponds and woods.

Mr. Rosenfeld said the septic tanks are a big threat to the wetlands.

Then the Committee discussed the issue of septic tanks and that they would like to encourage the expansion of the sewer system. It was decided to put this topic in the Public Facilities and Services Chapter.

In the goal 2 section, the Committee decided to change the wording of the start of the implementation step to read: Utilize resources and community volunteers...

A motion was made to accept the Natural Resources Chapter. It passed, 8-0.

### Water Resources Chapter

Ms. Goodspeed said she was surprised that there was still overboard discharge.

Ms. Jordan asked about the dam on Alewife Brook.

Ms. O'Meara said she had inquired at the State about that dam and it is not licensed, she is quite sure that it belongs to the Jodie Jordan Farm.

The Committee decided that the dam is an issue of private property they were not going to address.

Overboard discharge was discussed, and Ms. O'Meara then spoke about the 4 overboard discharge permits. She talked about each permit and what it covers. The permits are very long and detailed and she told the committee how many steps the water goes through before it is discharged into the ocean.

Ms. Volent asked what is an impaired watershed.

Ms. O'Meara said she will add a definition.

Ms. Measelle Hubbs asked about how to tell if these waters are swimmable.

Ms. O'Meara pointed out the classifications on page 3 of the chapter and said that the State considers all the waters to be swimmable.

Ms. Volent asked how do the groups such as Friends of Casco Bay come together. It is usually done because the water quality is bad.

Ms. Goodspeed said the Land Trust does test water. They have a plan to test on Great Pond this summer.

Sewers and septic systems were raised as possible problems for water quality. It was agreed that the potential expansion of the sewer system would be included in the Public Facilities and Services chapter.

A motion to accept the Water Resources Chapter passed 8-0.

#### Agriculture and Forestry Resources Chapter

The possibility of a conflict of interest for Ms. Jordan, as presenter for the Farm Alliance, was raised.

Ms. Measelle Hubbs said she does not see any problem. It is the same as having her represent the School Board.

Ms. O'Meara said the difference is that the School Board is a Town board and Ms. Jordan represents a private nonprofit group.

Mr. Curry said if Ms. Jordan is acting as an advocate for the Cape Farm Alliance, then she should recuse herself from the vote.

Mr. Rosenfeld would like a legal opinion from the Town Attorney.

Ms. Jordan said she is so unbiased. The town comes first for her. She would have liked to know before this meeting that this was an issue. She sees it as a way to share the knowledge she has.

Mr. Rosenfeld said he thinks this is a legal matter, and not up to the committee to decide.

Ms. Goodspeed said she thought they were brought onto this committee because of our specific areas of knowledge.

Mr. Guimond said he agrees with Ms. Goodspeed.

There was further discussion and a motion was made to retain Ms. Jordan on the Committee for the Agriculture Chapter. It passed, 7-0 (1 abstain).

Mr. Guimond said the reason South Portland and Cape Elizabeth split was water. The farmers did not want Portland water District's water.

Ms. O'Meara said that was included in the phrase "expensive utilities and infrastructure".

Ms. Jordan said over the past 10 years we have grown to 32 farms. She said the table is being worked on and will be updated.

There was a discussion about including, or not, the Sprague land, and what is a farm. Is it tillable land, or someone with a greenhouse in their backyard?

Ms. Jordan will write a definition of farm.

As to the goal, the Committee decided to reword the Goal 1. to read:

The town shall promote agriculture with farm friendly policies to continue the Town's desire to maintain our rich tradition and heritage of farms, open space and private property rights.

On the recommendations, Ms. Jordan mentioned agritourism as a use to be allowed.

After a brief discussion, it was decided that such a use was possibly covered in the first recommendation. Ms. O'Meara said the comprehensive plan cannot be used for zoning ordinance interpretations, but there is an existing use allowed in the Zoning Ordinance called an agricultural related use, and depending on the activities proposed, may include agritourism.

Another recommendation to specify new products and processes was discussed and discarded as being too specific.

Ms. Goodspeed talked about the global issue of needing to preserve prime farmland. Ms. O'Meara said the Open Space Zoning provisions can do this. She said you can use that to preserve agricultural land.

Ms. Jordan said this town is way ahead of other towns in their support of agriculture.

Ms. Volent asked if we should mention community gardens. She would also like to have something about students and gardening, not just students eating the produce.

It was agreed to add a goal:

Goal 2. To promote community gardens and agriculture related activity, with programming in the public school system.

Ms. O'Meara would like the Committee to come up with the key findings for the next meeting.

A motion to accept the first reading of the Agriculture and Forestry Chapter, passed, 8-0.

#### Public Participation

- Review draft survey report article
- Online forum - Next questions, moderators, summaries

Ms. O'Meara has drafted a survey report article.

They will add it to the website and will submit it to the Cape Courier.

The forum will be on June 6. Ms. O'Meara is authorized to put an article out to publicize the public forum.

The next questions and moderators were discussed.

#### Committee Member Items

There were none.

#### Public Comment

John Greene of the Sprague Corporation said they are working with the Farm Alliance on their numbers. They have small family farms and he said he actively farms over 100 acres of hay. We are an active farm. We also lease out land to local farms. We are farmers.

No one else spoke, so the public comment was closed.

The next meeting is Thursday May 17, 2018.

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Hiroimi Dolliver

## Minutes Secretary