

TOWN OF CAPE ELIZABETH
MINUTES OF THE COMPREHENSIVE PLAN COMMITTEE

September 6, 2018

7:00 p.m. Town Hall

Present: Timothy Thompson, Chair
Peter Curry
Elizabeth Goodspeed
Susana Measelle Hubbs
Penny Jordan
Sara Lennon
Harvey Rosenfeld

Absent: Kevin Guimond, Victoria Volent

Also present: Maureen O'Meara, Town Planner, Judy Colby George, Consultant

Call Meeting to Order

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

Public Comment

Paul Seidman of 21 Oakview Drive said he attended a meeting earlier in the week, Mr. Thompson was also there, and he feels that what was proposed was not what the public would like to have in the town center. He wonders what ordinances we have that support what the public wants or doesn't want.

Approval of minutes: August 2, 2018

The minutes of August 2, 2018 were approved as presented, 6-0.

Public Participation

The third forum will be held October 30, 2018.

It was noted that Mr. Jordan's high school class wants to be notified, and will probably come to the forum.

Ms. Colby George proposed focusing on the current and future land use chapters with key pad polling and small group discussions, since this is the first chance they have to discuss land use.

Ms. Jordan wants to have some discussion or voting on the priorities in the recommendations.

Ms. Colby George said they could do some key pad polling on those topics.

Ms. Lennon would like to have discussions focused on priorities in the small groups. She is concerned the Land Use chapter is not that interesting for discussion.

Ms. Goodspeed would like to see discussion on the whole plan, not just the chapters.

Ms. Colby George noted that they can do polling on the Loomio site. The public can prioritize the actions they are interested in. She also said most people would not be interested in reviewing the whole plan. It is a lot to get it all together. The Committee has been working with it, but the public will only be interested in those sections which are important to them. She thinks land use will bring a lot of discussion, and it is something the town does control (by zoning).

Mr. Curry would like to pose questions that have brought disagreement within the Committee. He would like to have input from the public on those issues.

Ms. Colby George agrees that it is important to discuss the items that have caused disagreement. Those things matter.

Mr. Thompson said the survey shows that people are generally happy with the town as it is. They would want to know what changes are being proposed.

Ms. Lennon wants to know what people think about the goals, and a more broad based discussion than just land use.

Ms. Colby George said just giving recommendations is not enough, you need some explanation. She asked if they want to discuss the land use chapters or not?

The committee agreed that some discussion of land use was appropriate.

Ms. Colby-George said that if we are asking for input for other chapters, we need to provide some information so the comments are informed. Time will be constrained to do that.

There was a discussion of whether or not there would be enough people for small group discussions and should we stay together as one group.

Ms. Lennon does not agree that they should need to give information. She wants to hear the opinions and feelings in the small groups. She mentioned several topics, such as Fort Williams, footpaths and Town Center.

Ms. Colby George pointed out that they have asked those questions before, and is concerned about the repetitions for people who have attended the previous forums.

Mr. Curry is concerned about the time used sorting into small groups. He'd like to have people able to talk for 1-3 minutes and not take up the time breaking into groups.

Ms. Colby George said the reason for the sizes of the groups is that some people are not going to speak in a large group. Others will not speak up in a small group. She said they can do it any way the committee wants to do it.

Ms. Hubbs thinks the key pad polling is the most intriguing. You can see immediately what the results are. She would like to address the possible solutions to those difficult questions then in the large group.

Ms. Jordan raised several issues that she would like to have discussed.

Then the Committee talked about having an article or ad in the Courier. It was decided that they have time to get it in the Courier after the next meeting, October 4. (The deadline for the Courier is October 12.) At the October 4th meeting, committee members will bring their questions and topics for the forum.

Public Participation Chapter

Ms. Colby George told the Committee that they have done a good job of getting public participation. They have had a variety of ways of approaching the public and she thinks they have done well.

Future Land Use Chapter (second draft)

Mr. Curry said that we are assuming that residential construction will decrease, and should we consider what we would do if it increased?

Ms. O'Meara said all trends are showing the exact opposite. She can put in a paragraph saying that the town has the capacity to accommodate a larger growth than what they expect.

Ms. Lennon wants to look at this in a regional way. We should look at what the towns around us are doing. Both South Portland and Scarborough are growing and building which could mean that Cape does not need to grow.

Mr. Rosenfeld said the Cape is too restrictive. How can we accommodate more housing when our zoning does not permit it?

Ms. Lennon said we have the controversy over the growth number of 120, when the number should be 60. It should be either 120 (60 are already in process) or it's 60. Ms. Goodspeed would also like the 120 number qualified.

Mr. Thompson asked if there should be a separate goal for affordable housing?

The committee discussed changing housing requirements, and how proposed apartments would be counted against the 120.

Ms. O'Meara said that trying to get the 120 projection artificially reduced has nothing to do with the amount of growth that will occur. It is a waste of your time. It's a projection. It is based on the actual growth that has happened in the past. If you reduce it based on dwellings where building permits have not yet been issued, it will also complicate record keeping for the next plan.

Ms. Lennon said in the spirit of compromise, she will drop her recommendation of a qualifying paragraph to the projected number.

Mr. Rosenfeld said you need to be careful what you put into the Comprehensive Plan. If it is approved by the Council, the Council has to take action.

Ms. O'Meara said every recommendation needs to be clear enough that it can be implemented, but also gives the town a bit of wiggle room.

The committee agreed to go through the Future Land Use chapter a page at a time.

Ms. O'Meara said that since the residents of the town expressed satisfaction with their town, and not a lot of growth is expected, not a lot of changes are proposed. This chapter underpins the current ordinances and does not make any major new proposals. If that is not the direction the committee wants to move in, then this draft needs to be changed.

Ms. Jordan said she is concerned about affordable housing and diversity.

Ms. O'Meara said it is in the goals-see Goal 4.

Referencing the community vision statement, Ms. Lennon would like to have the Town Center be cultivated as a "small scale" commercial area in keeping with the survey where everyone named small scale things. When asked about that, she said that people mentioned things like bakeries, ice cream shops, art galleries etc. No one said multiplexes with doctors' offices and residential. Ms. Lennon said this reflects what we have heard from the citizens.

Ms. Jordan said she understands what is meant by small scale, but, people are naive if they think the Town Center is going to be filled with coffee shops, and ice cream shops because there are not enough people to be patrons of them. You need to have commercial in the Town Center, but it will be doctors, dentists and lawyers. There are not enough people for three C Salts in town.

A discussion ensued with Ms. Lennon saying people want ice cream shops and coffee shops, and Ms. Jordan saying that doctors and dentists would also serve the residents of the town.

Mr. Rosenfeld said if you insert small scale into that paragraph, you will need to identify what small scale is.

Mr. Curry said he does not want to get into defining what kinds of businesses you want to have. The marketplace will take care of that.

Ms. Lennon said we are mandating that people have commercial on the first floor and residential on the second floor. We are dictating what can go in.

Mr. Curry said the requirement is not that you have to have residential on the upper floors, it only mandates commercial on the first floor. The residential is optional, and only makes a small commercial use more feasible.

Mr. Thompson said where do we put the affordable housing?

Mr. Curry said that we have a Town Center Master Plan that was worked on for two years and approved by the Town Council. That is the status for our ordinance.

Ms. Lennon said the survey shows that people want it small and villagey feeling like C Salt. That's what people keep saying they want.

Several committee members disagreed with her and said someone is free to open a coffee shop tomorrow.

Ms. O'Meara presented an overview of the chapter page by page. There were questions from the committee for clarification of some of the material, but did not request changes.

Mr. Curry asked for a definition of an overlay district.

Ms. O'Meara will insert one. She will also add that we are expecting diminishing growth, but have the capacity to accommodate larger growth up to a point. She talked about her addition of the impacts of low growth.

Ms. Jordan thinks this is an excellent addition.

Ms. O'Meara reviewed the goals.

Ms. Jordan likes goal 4 and thinks it will promote a lot of discussion.

On goal 5 regarding the sale of public property requiring a super majority or unanimous vote of the town council, Mr. Curry wants to specify that it only covers municipal real property.

Ms. Lennon wants to require a unanimous vote of the Council.

It was decided to leave the language as it is.

The committee voted 7-0 to accept the second draft of the Future Land Use Chapter.

Regional Coordination Chapter (first draft)

Ms. Hubbs will get together with Ms. O'Meara to add more items to the school's sharing with other towns.

The Committee voted 7-0 to accept the first draft of the Regional Coordination Chapter.

Implementation Chapter

Ms. O'Meara said there are duplicate goals in the list and they are numbered in red. She would like to have the duplicates eliminated if possible and then put the single goal in the chapter where it is most appropriate, with a reference in another chapter if desired.

Ms. Lennon wants to keep both #88 and #1. After discussion, the committee agreed that they should keep goal #88 and move it into #1.

The Committee will merge #2 and #18. Ms. O'Meara will combine the language of both and it will be in the transportation chapter. Ms. Lennon wants to cross out the idea of building satellite parking lots.

#5 and #45 will be combined and put into public facilities chapter with a reference in the economy chapter.

#7 #19 #20 and #100 will be combined and put into the transportation chapter.

#8 and #27, Ms. Lennon does not like the wording that mandates commercial development in the town Center District.

Ms. O'Meara explained that the town has less than 1.5% of the land area of the town zoned for commercial uses, so it is important to preserve that area for commercial development. If that area is filled with residential development, then there will be pressure to rezone other areas from residential to commercial. For this reason, the Zoning Ordinance mandates commercial uses on the first floor of buildings in the commercial zones. Residential uses are optional on the upper floors.

The committee agreed to keep both 8 and 27 as they are.

#42 , #47 and #99 all refer to sewers. Ms. O'Meara will combine the three of these and it will be in the Public Facilities and Services chapter. It will also have references in the Natural Resources chapter and the Water Resources chapter.

#43 will be combined with, and moved to, # 103.

#49 and #50 Ms. Lennon and Ms. Hubbs will work on the wording to combine these two items.

55, #76 and # 77 will be combined and be in the Natural Resources chapter with references in the Marine Resources and Water Resources chapters.

Ms. O'Meara will revise these items for the next meeting and would like the Committee to come to the next meeting with their suggestions for prioritizing the implementation steps.

Committee Member Items

There was a brief discussion about the entire draft of the plan and working on a vision statement.

Ms. Jordan said that for the next meeting they should come with their prioritizations and a set of questions they want for the public forum.

They decided to make a submission to the Courier as well as an ad. Ms. Lennon would like to work with the design.

Mr. Thompson made a suggestion that they have a table at the election. The committee discussed this and will revisit it at the next meeting.

Public Comment

Becky Fernald of 313 Mitchell Road complimented the committee and staff for their work and said she does not think enough people are paying attention to this. Affordable housing is a really big issue. If there are any new developments, there should be more requirements for affordable housing. The past few developments are not affordable. They are half million dollars. She takes issue with the terminology in the low growth section. She feels it is too subjective. There is no way to know how much growth there will be. It seems like you are setting the stage for budget fights.

Paul Seidman asked about affordable housing. He would like to know what that number would be to be truly affordable. Would 2/3 of market make sense? For the next forum, he wonders if there could be questions about small scale. What is small scale? On the subject of the priorities, he hopes they reflect the data of where the citizens are.

The next meeting is scheduled for Thursday, October 4, 2018. Items on the agenda may include:

- Regional Coordination Chapter
- Public Participation
- Implementation
- Public forum preparation
- Vision statement

The Committee voted unanimously to adjourn at 9:35 p.m.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary

