

TOWN OF CAPE ELIZABETH
MINUTES OF THE COMPREHENSIVE PLAN COMMITTEE

November 8, 2018

7:00 p.m. Town Hall

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

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

Peter Dixon of 29 Westminster Terrace passed around a statement about farmland, and how prime farm land is being developed and that a scrubby 2.1 acre field is now an agricultural easement. If we want to preserve farmland, we have to tighten things up and not allow scrubby pieces of land to become agricultural assessments.

Priscilla Harrison of 29 Westminster Terrace would like it to be the public (not just the abutters, but the whole town) to be notified when a developer shows interest in a plan so people can have a dialogue about it.

Larry Stern of 1 Columbus Road is concerned that a lot of people don't know what's going on until it's too late. We need to look at how we can streamline the process for the public to be involved, perhaps with an email list. Getting people involved at a much earlier point would be very valuable. When we go into a meeting, we feel that it is too late, the developer has invested so much money that it is just too hard to move things at that point.

He thinks smaller lots may be fine, but there may be a few of those lots that would be a problem.

Ms. Jordan asked him when does he think the public should be notified?

Mr. Stern said the developer doesn't want to tip his hand, but there is a general consensus among a lot of people that when word gets out, it is too late to do much.

Becky Fernald of 313 Mitchell Road thinks the public process should be improved. She would like to see open space regulations modified according to the FOSP definition, and maintained with strict oversight and restrictions. She cited the recent overcutting in the open space. She wants more meaningful public input into what that open space is and how it is used. She wants public dialogue early in the process, so it isn't a done deal when the public gets to comment. Farmland that is to be preserved should be prime farmland not just something a farmer lives on. She wants public access to open space.

Paul Seidman of 21 Oakview Drive said this all started from the public survey and he wants to see how much of this plan has emerged from the survey.

Kiyo Tabery of 313 Mitchell Road said he gets the sense in going to meetings that people who are coming in to question, or think about the process are being tagged as NIMBYs. There has to be give and take in the process. We need to feel that we have some kind of input in the process. The people who spoke about the Maxwell Woods project were not against the project, but were trying to preserve what they thought was the most beneficial part of the land for public access for the people of Cape Elizabeth to use. He wants to have the public be able to have input into the project.

No one else wanted to speak, so the public comment period was closed.

Ms. Volent asked Ms. O'Meara to describe what the process is, and can people be notified at the same time the Planning Board receives the material?

Ms. O'Meara said it has been a major theme lately that the public needs to know sooner and have more input into the design of the development. The reality is that these properties are privately owned and any developer worth his or her salt will prepare at least a concept plan before making an offer to purchase the land. That concept plan is based on the ordinance requirements. The ordinance requires that a portion of the land be set aside as open space. It does not require that that open space be available for total public access, but the Planning Board negotiates with the developer so most of the time the open space does become owned by the town with full public access.

If you want to get involved with the design of the project, you need to get involved with the writing of the ordinances that the developer must adhere to. If you don't like the Maxwell Woods design, you have to go in and change the ordinance. Right now the town requires 45% open space. If more open space is required, the result is asking large land owners, many of whom are farmers, to

subsidize the public's desire for open space, and is that appropriate? Reducing density, which would probably be needed, will reduce the value of the property, and historically is not well supported by the town council.

Ms. Lennon said Ms. O'Meara went straight to being contentious. She wants to explain what the people want to happen. She doesn't think they want to get involved in the legal thing or tell the developer what to do or intervene in the plans or make the developer give up more land, but she heard if it could ultimately be a more collaborative process. Maybe the developer would welcome our ideas. She would like to see a town hall like forum where people could express their views in collaborative and polite ways.

Ms. O'Meara said everything the Planning Board does has to be legal. There can be no ex-parte communications. There is a limit to what can be done informally and not violate the Right to Know Law. She encouraged the public to take a picture of the Maxwell Woods project and sketch up something else that they think would have been better, that maintains the number of units that are already there. In the end, it is the ordinance that drives project design.

Mr. Curry noted that early on in the process there is a workshop. That is an informal discussion that is open to the public. Public comment is not open there, but sending letters with detailed analysis is effective. There is ample opportunity early on in the process for input before the plans are finalized.

Ms. Jordan said notice goes to the abutters and is on the website. It is a business transaction and a huge long process through the Planning Board. She sees two issues here. One is how do we notify the public and could we allow follow up questions from the public. As a landowner, it is a business transaction and she wants to be able to get the most return as possible, and then it becomes a legal process of applying the ordinances.

Ms. Lennon said the process could be tweaked to maybe allow a 45 minute comment period, with an announcement in the "Courier".

Approval of minutes: October 4, 2018

The minutes of the October 4, 2018 meeting were approved, 9-0.

Vision Statement (third review)

Ms. Goodspeed said she had looked at the survey and feels that protecting the natural environment should be a priority and be a part of the vision statement. She passed around her proposal for a vision statement.

There was a lot of discussion about specifics in the proposal, such as increasing cell phone coverage. The committee wants to change that wording to have a broader meaning than just cell phones.

Ms. Volent said she sees nothing in the vision statement about housing. The committee has spent a lot of time discussing affordable housing, but there is nothing mentioned in the vision statement.

Mr. Rosenfeld suggested that it was a need for more diversity, including housing.

There were many opinions about how to phrase the language about promoting a diverse variety of housing.

Ms. Volent suggested that the wording for the town center should be vibrant rather than small scale.

The committee worked the vision statement wording and agreed to a revised vision statement.

Review draft plan: Executive Summary, Chapters 1-13.

In the Executive Summary, it was noted the school board member was inadvertently left out and will be added.

The committee then agreed to review the first 13 chapters page by page.

Mr. Guimond is concerned by the lack of current data for income and population. Staff noted the limitations of doing data collection and analysis 7 years away from the last U.S. Census.

On page 43, the goal for the Economy chapter was changed from "welcoming visitors" to "accommodating visitors while protecting our parks."

The first recommendation (Fort Williams Park) will be moved to the Open Space chapter.

Ms. Volent is concerned about the language about increasing revenue from the Park. She has been assured that the revenue would be primarily the pay display parking proposals and not the concert venue proposal from a few years ago. The third recommendation was eliminated.

There was a lengthy discussion about the 2nd recommendation. In the end they agreed to "review ordinances and develop strategies to ensure

that regulations do not encumber small business that serve both residents and tourists."

Recommendation 5 was eliminated as redundant. Recommendation 11 was moved to being a part of Goal 1.

There was a brief discussion about bike ways, the comments submitted by the Bicycle Coalition of Maine, and the committee agreed to leave the language as it was written.

The committee discussed the issue of gates that are in place to block through traffic, and noted the Fire Chief's memo. They are concerned that those gates cause delays in emergency response. Mr. Guimond noted that there is new technology that makes opening gates easier. They agreed to change the language on page 59 to " Evaluate regulations and technology to promote connectivity between neighborhoods when it supports public safety.

On page 78 in recommendation 31 for the housing chapter generated a discussion noting comments made at the October 30th public forum, and the size of lots in existing compact neighborhoods, like Elizabeth Park. The committee agreed to add the word "existing" to the recommendation and not to limit how much smaller than 10,000 sq. ft. could be considered in the recommendation.

On page 105 the discussion focused on recommending maintenance instead of renovation for the buildings. The language of the school facilities recommendation on page 107 was changed to not endorse the specifics of the school renovation plan under discussion.

There were only a few other changes in the review of the rest of the first 13 chapters. The committee noted the comments from the Cape Elizabeth Historical Preservation Society and eliminated the recommendation regarding pursuit of grant funding.

Public Participation

No one had any comments about the last public forum.

Public comment

Becky Fernald said there is a definition of farmland in the subdivision ordinance. We should be preserving land that is most valuable for the town.

Peter Dixon said there is only one vehicle on the two acre parcel [Maxwell Woods project] and there is grass growing up around that vehicle. It is just a scrubby field. A lot of changes happened in the last minute.

Paul Seidman read a couple of quotes from the survey, and he thinks the latest version of the vision statement moves away from that language. He also wants to know how an ordinance can be changed if it doesn't go along with the plan.

The meeting was adjourned at 9:55p.m.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary