

TOWN OF CAPE ELIZABETH
NOTES OF THE COMPREHENSIVE PLANNING COMMITTEE
PUBLIC FORUM

January 25, 2007

7:00 P.M. Council Chamber

Members Present: Barbara Schenkel, Chair
Anne Swift-Kayatta
Robert Dodd
David Griffin
John Herrick
Mary Ann Lynch

Jay Chatmas
Elaine Moloney
Skip Murray
Marybeth Richardson
Frank Strout

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel opened by thanking everyone for coming. She said there would be a quick overview of the Plan.

She then asked the Committee to introduce themselves.

Mrs. Schenkel said the Comprehensive Plan is a vision of how the Town can grow. This is a draft and the Committee wants to hear from you to see if there are other ideas they need to consider before the plan is finalized.

This Plan is a vision described by a Committee of 12 residents (5 citizens, 2 Planning Board members, 2 members of the Town Council, 1 School Board member, 1 Conservation Commission member and 1 member of the Zoning Board).

The Town Council will decide whether to adopt the Plan, and if they do, the recommendations will go to the relevant boards and committees for implementation.

Mrs. Schenkel then described the process by which the Committee came to the Plan. There was a telephone survey of the Town. There have been three public forums (including this one), emails, letters, and the chapters of the Plan posted on the Town web site.

Mrs. Schenkel and Ms. O'Meara then gave a brief overview of the Plan on a chapter by chapter basis.

After the summaries, Mrs. Schenkel acknowledged the importance of the role of Ms. O'Meara. She has done an enormous job on this Plan. She did all the maps you see posted all around this room. Mrs. Schenkel praised the hard work of Ms. O'Meara.

Becky Fernald asked the first question. She wanted to know more about the development of agricultural land, and how transfer of development rights works.

Ms. O'Meara gave an example of TDR. She said that if the owner of the strawberry fields on Two Lights Rd wanted to sell the rights to develop the fields to a developer, the developer could then take the number of units that could have been built on the strawberry fields and add them to the units able to be built on a different parcel of land he wished to develop. It gives a density bonus to the parcel receiving the development rights and forever saves the agricultural land from being developed without using tax dollars to do it.

Ted Darling questioned if this would allow greater density.

Ms. O'Meara said yes. TDR is a unique situation. It requires both a willing seller of the rights and a developer willing to purchase those rights and able to use them. It will not be a common situation.

Maren Robinson asked about a map showing the areas that would be available for TDR.

Ms. O'Meara responded that the TDR map was the one map she did not bring with her this evening. She said the map is available, just not with her tonight.

A member of the audience wondered how it will affect existing farmland.

Mrs. Schenkel noted that farming is not lucrative anymore, and the Committee needed to address ways to assist the farmers.

Tom Egan wondered if the farmer could sell part of his land for development rights and keep half to develop by himself. Ms. O'Meara clarified that you cannot transfer TDR rights to sending areas, that is agricultural fields, only away from them.

Mrs. Schenkel noted that this is a vision and it needs to be refined. These are ideas for consideration, not complete programs.

Claudia Dricot wanted to know if there were any other ways to preserve farmland.

Mr. Strout replied that the Committee has recommended the establishment to a group of farmers to hear directly from them what will be of benefit to them. There were also suggestions to change the amount of non-native product that can be sold in a farm stand. An increase the percentage of non-farm product allowed to be sold in a farm stand to give greater flexibility to farmers.

Mr. Strout also spoke of the Land for Maine's Future Fund. He said there is no more money forthcoming from that source for the purchase of farmland. He noted that the Committee needed to "think outside the box" and come up with creative solutions for the preservation of farmland in the Town.

Ted Darling suggested floating a bond for the purchase of farmland.

Mrs. Schenkel replied that residents don't want their taxes raised.

Mrs. Swift-Kayatta added that the Town has spent a significant amount of money on open space. People want a level of services from the Town, so a balance needs to be made to balance needs and the desires to spend more money right now on land purchases.

Mr. Dodd noted that the current mix the Town is doing is working to increase open space. There is not a need to recommend a bond right now.

Mr. Herrick noted that eleven and 1/2 % of the town, not including state and federal land, is protected open space.

Sarah Lennon commented that people would like to see the Town continue to preserve open space. The overwhelming majority of the Town wants to continue its aggressive policy of saving open space. She does not want us to rest now.

Ms. Lynch replied that the overwhelming consensus of the Committee was to continue current policy. No one wants to cut back. We are not recommending cutting back.

An informal vote of the people present was taken and 17 people would like to see a bond issue for the preservation of open space.

Edward Materson spoke about the proposed increase in business density in areas of Town. Part of that is where he lives. How will it impact him? He lives in the Shore Road area, and fought successfully against having a convenience store in that area.

Mrs. Schenkel stated that it is not over yet.

Mr. Materson is concerned about increasing businesses in that area.

Mrs. Schenkel said that is the BA District in that area of Town.

Mrs. Swift-Kayatta noted that the Economy section of the Plan puts the primary business focus on the Town Center District.

Mrs. Schenkel added that there are design standards for other areas. The Town Center District has stringent regulations for development.

Dave Clay said the Plan seems to ignore what concerns came up during the Spurwink Woods development approval process. Those concerns were too much density, and connectivity. The problems of connectivity and density are not taken into account in the Comprehensive Plan.

Mrs. Schenkel noted that the Committee had disagreements on these subjects and the majority rules.

Mr. Strout added that he believes the marketplace will take care of these problems. He thinks the smaller lots will not find a ready market and will therefore not continue. He is relying on that.

Mr. Clay then questioned why the policy is being implemented.

Ms. Lynch responded that none of this is being implemented at this time. This is a vision and it will go to the Town Council, then to the Planning Board before it is implemented. Anything is a couple of years away.

Mr. Herrick said he was glad Mr. Clay brought this up. He is in the minority here. All the Committee members want to maximize the number of lots on a parcel of land, and he does not agree.

Alison Darling spoke of the Spurwink Woods project. She said the open space should be useable open space. She said all the trees will be stripped from the land and the integrity of the land will be compromised. Should open space be all together, or strips of walkways and trails?

Mr. Murray identified himself as the developer of Spurwink Woods. He said the open space in that project will not have the trees cut. The only trees to be cut will be where the houses are going to be built. He said the process is a trade off. The original plan was for 20 houses with no public access to anyone but the residents there.

Mrs. Darling again stated that there is a need to maintain the integrity of the open space land.

Mr. Murray stated that Spurwink Woods is as dense as they want it to be. He would not build more densely there even if it were permitted.

Becky Fernald wants open space that is useable and desirable. She wants it to be for the benefit of the people.

Mr. Dodd replied that the quality of the open space is a consideration.

Dave Clay commented about the quality of the open space and how he doesn't want to see a "mini-city" surrounded by open space.

Claudia Dricot does not want wetlands to be included in the open space.

Mrs. Schenkel replied that 40% of the development must be open space, and of that land, 30% must be dry land.

Holly Hofman commented on wetlands and said they are not attractive. Spurwink Woods kept growing in size from 17 houses to 23 to 43. Also, Abaco Road, where is the open

space? Where is the open space in Blueberry Ridge? She also wants to know how the 30 homes per year that was quoted in the past was arrived at.

Mrs. Schenkel responded that the Committee used building permit data to arrive at the number of homes per year and the average is 24 homes a year.

Ms. O'Meara added that we did not base the number on how many homes we want to build. It is not an ideal number, but what we think will happen with property owners who want to develop their property. The average of 24 houses per year is taken from the number of homes which have been built each year for the past ten years. If this were Scarborough or Cumberland, the projection would be going up because they are still growing. Cape Elizabeth is a mature community with not much more land to develop. The Town will continue to be desirable and building will probably stay the same for the next ten years. That is a reasonable assessment of where we are going, not what we hope for.

Sarah Lennon wondered why we couldn't discourage further building by increasing the requirements. Why not make the Town less attractive to develop? She said she lives in Cranbrook and it is attractive there. Why not fewer houses on big lots?

Mrs. Schenkel noted that the RA District is 50% of the town and that is not proposed to change. An attendee questioned how much of that land is Sprague land. Ms. O'Meara stated that the Sprague land is 20% of the town, but not all of it is in the RA District because the Sprague land includes significant wetlands.

Ms. Lynch noted that there is a delicate balance of private property rights. She is not anxious to see farmers penalized. The farmers are some of our oldest families in Town and they have been the best stewards of the land, and to put such a restriction on land owners who have not developed their land would not be fair. State law says we need to provide for some growth in the future.

Mrs. Swift-Kayatta talked about affordability and diversity. If you make the rules more restrictive, you make property very scarce and expensive. Young families cannot afford to live here. It would drive out our parents' generation and the young families. There will be no place for teachers and police officers to live in the community. There would not be a mix of people. Also, we have to plan for growth. We have to abide by State law and accommodate new growth.

Mrs. Lennon added that we are not building affordable housing. Cross Hill, Spurwink Woods and Blueberry Ridge are all high end housing.

Another resident spoke against new growth in Town citing the impact on the schools.

Mrs. Schenkel referred that question to Mrs. Moloney.

Mrs. Moloney noted that school enrollment figures are not matching up with the number of new building permits issued. After further study, the School Department has found that there is a substantial immigration of families with school age children. They are often buying existing homes which have not had any school children. It is also families with children of Middle School age. This is a significant factor in determining school enrollment projections.

On the subject of new growth, Mrs. Schenkel said the Committee encouraged more infill development to minimize the amount of large parcels being broken up into house lots.

Alison Darling asked for a definition of Affordable Housing.

Ms. O'Meara explained that low-income is defined as between 50% -80% of the median income for the Portland area and moderate income as between 80% - 150% of median income. In 2004, this translated to a home affordable to low income families costing approximately \$146,000 and a moderate home costing \$250,000.

Alison Darling asked what would prevent the purchasers of affordable homes from selling them in three to five years and reaping a huge profit.

The committee responded that deed restrictions prevent that scenario. Ms. Lynch also expressed concern that most people's wealth is invested in their homes and that owners of affordable homes should be able to participate in that.

Ms. Darling then asked how many affordable houses have been built in Cape Elizabeth.

Ms. O'Meara said the answer was eight houses as part of new development, which are listed in the plan.

Peter Eastman stood up and commented that he was going to throw gasoline on the fire. He asked how many households are there in Cape Elizabeth? How many of those households have school age children? One of our problems is what do we do with the kids we have in Town? We don't have zero population growth, so we need to make a place for the kids who grow up.

Mr. Murray stated that the Committee worked very hard on this. He cited his own experience of living here for 45 years. He said when Jewett Road was built near his home, he was unhappy because he played in those fields. Now some of his best friends live there. He wants to know which person gets to say what is the very last road to be built in Cape Elizabeth? No one wants to see development, but we can't shut the door. If we hadn't allowed Columbus Road or McCauley Road to be built, some of the people here would not have been residents now. In five or ten years from now the residents of Spurwink Woods will be here with the same arguments against new development.

Ted Darling spoke about commercial development. He noted that only 21% of the people surveyed want more commercial development. How do you reconcile your proposals with the desires of the (79%) residents?

Mrs. Swift-Kayatta said the Economy section was trying to find other possible resources than just the property tax on residential homes. We're not talking about big industrial development here. It would be a modest proposal, a coffee shop for instance. This is a process and not a final step.

Kiyo Tabery wondered about the vision, process. He says if you take the telephone survey that was done and the Plan, you could just flip the survey and get the priorities of this Committee.

The Committee responded by pointing out that the recommendations are not in order of priority, but in chapter order. The Committee has not yet prioritized the recommendations, but will do so in February.

Emily Materson said she lives adjacent to the Cookie Jar area. She is concerned about any new business in that area. She feels a coffee shop would be very intrusive in her neighborhood.

Mrs. Schenkel said the Committee will be reexamining that issue.

Edward Materson said they had fought having a convenience store in that neighborhood and he was concerned that the new proposals will open the way for that to happen.

Ms. O'Meara replied that none of the regulations that helped in that case will be changed. The BA district doesn't have the same design standards, pedestrian friendly rules as the Town Center District. The Plan proposes introducing some of the same standards be applied to the BA District as are now in the TC District.

Edward Materson noted that the Town Center District has woods along one side of the road throughout the Town Center District.

Ms. Lynch replied that this is still a work in progress. It is a draft. We have listened to the opposite views from people who wanted to create new and more business areas, and now we are hearing from the other side.

Clara Cohan stated that density is a big concern in her neighborhood of Beach Bluff Terrace. She said increased density will have a major impact on neighborhoods.

Suzanne McGinn questioned whether there are any financials to go with the "Smart Growth" concept. Is there less financial stress for the Town in building this way?

Ms. O'Meara cited some studies that that compared having clustered housing on 15,000 sq. ft. lots as opposed to two acre lots. She said the smaller lots generate more property

taxes. There are further savings by having a more efficient way to deliver public services. Shorter sewer lines, water lines and electric lines. Shorter streets mean less road to maintain and shorter bus routes.

Suzanne McGinn also noted that she has read that commercial development does not really alleviate the tax burden.

Ms. O’Meara replied that the reason that provision was in the plan was to add diversity to the tax base and a little less reliance on residential property tax payers.

Suzanne McGinn made a request that there be an increase in pedestrian access across town. She wants more access to paths to help get people out and walking and biking to reduce the prevalence of obesity, particularly in children.

Mr. Clay suggested that individual backyards be large enough for people to run around.

Becky Fernald was confused about the policy of targeting infill lots for future growth.

The Committee responded that you may not build on lots of 5000 to 7500 sq. ft. You can build on lots of 10,000 sq. ft. or more. No change is proposed from the existing rules.

Ms. Fernald asked why this was even in the Comprehensive Plan if it was not a new policy.

The Committee replied that they were asked by the Town Council to consider a change, and they decided to recommend no change from the present policy.

It was suggested that nothing be said in the Plan, because the language is confusing.

Bill Bamford commented on the need to “think outside the box” to save farmland. He feels we need to think of this as a big priority. You need to give up something else in order to keep farmland.

Mr. Strout said we should focus on not just protecting farmland, but protecting working farms.

Tom Gale questioned whether the amount of open space now available per person has been projected forward to reflect the growth in population. How much additional open space do we need to have to maintain the current ratio of 118 acres per 1000 residents?

We have not projected that forward, but the current regulations require that at least the minimum open space to maintain current standards apply to new subdivisions. For development outside of subdivisions, if the town obtained one major open space, that would probably increase the current standard.

Mrs. Schenkel encouraged the remaining audience members to email any further questions to Ms. O'Meara who will pass them along to the Committee. She thanked everyone for coming.

The forum was adjourned at 9:00 p.m.

Respectfully submitted,

Hiromi Dolliver