

TOWN OF CAPE ELIZABETH
MINUTES OF THE COMPREHENSIVE PLANNING COMMITTEE

February 8, 2007

7:00 P.M. Jordan Conference Room

Members present: Barbara Schenkel, Chair

Julia Beckett

Robert Dodd

John Herrick

Jay Chatmas

Marybeth Richardson

Elaine Moloney

Anne Swift-Kayatta

Mary Ann Lynch

Skip Murray

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order. The minutes of the February 1, 2007 meeting were amended and accepted.

Correspondence

Mr. Dodd spoke of the email from Mr. and Mrs. Bamford requesting a business zone on Spurwink Road. Mr. Dodd wants the Committee to consider this request.

Ms. O'Meara replied that the Comprehensive Plan has left open the possibility for this rezoning to happen.

Mrs. Schenkel noted that residents have written with ideas for increasing revenues. She wonders if the Committee could discuss adding an implementation step to think up new sources of revenue for the Town.

Mrs. Moloney wondered what kind of body would do this? Would it be a committee?

Mrs. Swift-Kayatta noted that the only revenue that is available, by law, is the property tax. User fees are also a possible source of revenue. Other than those two, if somehow the Town could force the State or Federal Governments to give us more money, that would be all that's left to do.

Plan Revisions

Mrs. Swift-Kayatta also raised the topic of the 250 ft. wetland buffer that is proposed to be reduced in Implementation Step 8 of the Economy section. She wants it to be made clear in the first Implementation Step of the Critical Natural Resources chapter that the 250 ft. buffer shall still be in effect for residences. The Implementation step (66) shall now read "Maintain the current stringent local wetland regulations as they apply to

residential areas, including keeping the buffer at the current 250 ft. strip”. She felt it was necessary to couple the possible reduction of the buffer in the BA and BB Districts with the reminder that the 250 ft. is still in effect for all the residences in Town.

Ms. Lynch then proposed an addition to the wording of Goal 2 in the Economy Section. The sentence about neighborhood Commercial areas (BA and BB Districts) is now changed to say; “The regulations are not in step with promoting mixed uses in the business districts that also protect the integrity of adjacent residential neighborhoods.”

Mr. Murray raised the subject of open space configuration. (Implementation Step # 79) He noted that there will be times that a developer will want to preserve open space for a trail, and then it will be in a strip. He proposed adding the words “except for trails” at the end of that step.

Priority Setting

The committee discussed whether to take up priorities or the vision statement at this time. It was noted that the ongoing topics will not seem to be high priority.

Mr. Dodd said he thinks the vision statement should look at both ongoing and high priorities. He sees the goals as ongoing, short term and long term. He also noted that taking the implementation steps away from the goals makes them confusing. There needs to be an understandable context for the implementation steps.

Mr. Herrick agreed that taking the implementation steps out of their context makes them confusing. He has taken each step and given it a priority and thinks it will be an impossible job to get agreement on such a list. It would take a very long time to work out an agreement on those priorities.

Mr. Chatmas asked how the State wants this to be formatted.

Ms. O’Meara said the State gives the Committee a lot of flexibility on the format, but does require that they set priorities.

The Committee liked Mr. Dodd’s idea of ranking the goals and implementation steps by the criteria of ongoing, short term or long term. They agreed that short term would mean 3 years and under. Long term would be 3 years and longer, and ongoing would be those items which are already happening and desired to be continued or enhanced.

The Committee then ranked the list by whether they were short term, long term or ongoing. The vote was unanimous on each item below, except where noted. The conclusions of the Committee will be underlined in each case. Where wording changes have been made, they are in bold type.

Goals and Recommendations List

Economy Goals

Goal 1: The Town Center shall be promoted as the primary commercial area of Cape Elizabeth and shall be developed consistent with the Town Center Master Plan to meet the needs of residents and visitors currently attracted to the Town's natural resources and recreational opportunities.

Implementation Steps

1. Continue to implement the Town Center Master Plan. Ongoing
2. Construct sidewalks throughout the Town Center. Ongoing
3. Develop mixed use buildings that include commercial uses on the first floor and allow residential uses on upper floors. Long Term
4. Require master plans for large town center parcels that demonstrate compliance with Town Center Zoning. Long Term
5. Consider opportunities that will create a village green adjacent to Ocean House Rd. Long Term
6. Complete implementation of the Town Center Storm Water Plan.

Goal 2: The Neighborhood Commercial areas (BA and BB Districts) shall be designed to meet the needs of the adjacent neighborhoods.

Implementation Steps

7. Review and revise the BA District regulations to create neighborhood scale commercial areas. The review should include: Short Term
 - Creating design standards consistent with small scale, neighborhood commercial areas;
 - Evaluating whether smaller setbacks from neighborhoods are appropriate to promote pedestrian connections;
 - Reducing parking requirements;

- Incorporating more mixed use of residential and commercial by increasing the density of multi-family housing and limiting commercial uses to the first floor;
 - Reviewing the boundaries of the BA District; and
 - Evaluating adding a business district where existing businesses are located in a non-business district.
8. Allow the RP1 250' buffer to be reduced to 100' for properties in the BA and BB Districts where the property is served by public water and public sewer. Short Term
 9. Designate BB Districts as Sewer Service Areas. Short Term

Goal 3: The Town recognizes that in-home businesses are an important part of the local economy and those needs must be balanced with the expectations of residential neighborhoods.

Implementation Steps

10. Continue the town approach of home business and home occupation regulation that allows low-impact home businesses to operate by right. Ongoing
11. Continue day care regulations that allow day care in all districts with review by the Town. Ongoing

Housing Goals

Goal 1: The Town should promote a diversity of housing types to accommodate residents of all age groups and household sizes.

Implementation Steps

12. Encourage the development of multi-family housing units in mixed use buildings located in the town business districts. Ongoing
13. Increase the permitted density of multi-family housing units in mixed use buildings located in the business districts. Short Term
14. Review the minimum lot size and setback requirements for multi-family and attached single family dwellings (condominiums) to determine if they are creating obstacles to developing a variety of housing types. Short Term
15. Evaluate establishing a density bonus for 55 and older restricted developments. Short Term

- 16. Retain the current regulations providing for the construction of mobile homes and mobile home parks in accordance with state law. Ongoing
- 17. Retain the accessory dwelling unit regulations that provide for small apartments to be integrated into single family homes. Ongoing

Goal 2: The Town should increase the amount of affordable housing through methods that minimize administrative burdens on town administration.

Implementation Steps

- 18. Retain the Mandatory Affordable Housing Provisions that require affordable housing to be incorporated into major subdivisions, amend the existing program to add an asset limitation, and increase the appreciation return to homeowners. Ongoing
- 19. Create an affordable housing overlay district where public sewer can be provided that permits a mix of market rate and low-income affordable housing at a density greater than the existing “underlying” zoning allowed. Long Term
- 20. Waive all fees, including but not limited to building and all other construction fees, sewer fee and street opening fees, for low-income, affordable housing units. Short Term

TRANSPORTATION GOALS

Goal 1: The Town shall have a safe transportation system that meets the needs of both residents and nonresidents.

Implementation Steps

- 21. Reconstruct Spurwink Ave. Short Term
- 22. Implement the installation of a traffic signal and related realignment at the intersection of Route 77/Shore Rd/Scott Dyer Rd. Short Term
- 23. Install a traffic signal at the intersection of Route 77 and the High School entrance. Short Term
- 24. Develop a Traffic Calming policy that determines when and where traffic calming measures should be utilized on existing and proposed streets. Short Term
- 25. Promote connectivity between neighborhoods when it benefits public safety, traffic circulation and/or developments with a neighborhood character. Ongoing

Goal 2: The Town shall continue to coordinate with regional transportation providers, the Community Services Program and the School Department to provide public transportation for the elderly, the handicapped, and other town residents between Cape Elizabeth and Portland/South Portland.

Implementation Steps

- 26. Continue to support a regional transportation provider program than provides bus service for the handicapped and elderly. Ongoing
- 27. Monitor the need to expand the Community Services Shuttle Program as needed. Ongoing

Goal 3: The Town shall promote the expansion of the sidewalk network and bikeways in a manner that promotes public safety and preserves the character of Cape Elizabeth roads and neighborhoods.

Implementation Steps

- 28. Continue construction of sidewalks in the Town Center and in new developments. Ongoing
- 29. Prepare a town-wide pedestrian, sidewalk and cycling master plan. The plan shall include an evaluation of the town's capacity for year-round maintenance. Short Term
- 30. Study the potential for creating an off-road path adjacent to Shore Rd that would be designed with sensitivity to the character of Shore Rd and in collaboration with property owners abutting Shore Rd. Short Term 8 in favor 2 opposed
(The two opposed were in favor of Long Term.)

Public Facilities Goals

Goal 1: The Town shall continue the work of the last decade to assess, renovate and construct public facilities that make it possible to deliver the quality of services that residents expect and fund.

Implementation Steps

- 31. Appoint a committee to formally assess the physical plant and programming needs of the Thomas Memorial Library. Short Term
- 32. Include funding in the annual Capital Improvement Plan to maintain all Town of Cape Elizabeth buildings in good condition. Ongoing

33. Develop a model and generate updated school enrollment projections that accurately reflect the influence of in-migration and assess how school facilities will support projected school enrollment. Short Term

34. Increase the amount of waste that is recycled. Short Term

A new # 35 Educate the public to reduce the total amount of waste generated. Ongoing

Reworded 35. Continue to improve energy efficiency in Cape Elizabeth Town buildings, incorporating “low impact” construction principles, and explore using alternative fuels for buildings and vehicles. Ongoing

36. Form a committee to explore and costs and benefits to residents of providing town-wide WiFi internet access. Short Term 6 Long Term 4

Goal 2: The Town shall pursue partnerships with other municipalities, utilities and other groups to maximize the efficient use of public facilities and personnel and minimize infrastructure costs, while maintaining service levels.

Implementation Steps

37. Continue discussions with abutting communities regarding how to handle E911 and other Police Dispatching. Ongoing

38. Continue discussion with the City of South Portland regarding the possible sharing of fire protection responsibilities in the Shore Rd area. Ongoing

39. Establish a standard policy for notifying all area utilities in advance of road construction projects to encourage the upgrade of the town’s utility infrastructure as opportunities arise. When undertaking upgrades, the electric, telephone and cable utilities are encouraged to place utilities underground. Short Term

Reworded 40. Expand the School Consulting Physician’s role to provide Town public health/emergency planning advice. Short Term

41. Enter into public/private partnerships when private financing is offered to fund Town goals and public facility needs. Ongoing

Fiscal Capacity Goals

Goal 1: The Town shall continue to fund the Capital Improvement Plan.

Implementation Steps

42. Develop a unified town/school CIP. Short Term

43. Expand the CIP to a ten-year time frame. Short Term

Goal 2: The Town will continue to balance residents' request for services with residents' request to minimize property taxes.

Implementation Steps

44. Evaluate a shift to user fees to partially fund services in place of increases in the property tax. Examples could include pay per bag for trash disposal, library cards, and fees for athletic field use. Short Term
45. Expand the tax base with appropriate businesses that are compatible with community character. Short Term

Recreation and Open Space Goals

Goal 1: The amount of publicly accessible open space should be increased in order to preserve the current local standard of open space of 118 acres per 1,000 population.

Implementation Steps

46. Continue the Open Space Zoning and Open Space Impact Fee requirements for new development that require that open space be set aside. Ongoing
47. Purchase land or conservation easements when there is an opportunity to preserve unique or significant open space, especially where it can be added to the Greenbelt Trail system. Ongoing
48. Partner with the Cape Elizabeth Land Trust, private organizations, State and Federal agencies, private land owners, and others to preserve open space and trails permanently. Ongoing

Reworded 49. Encourage the State of Maine to acquire permanent public access to Crescent Beach beyond the expiration of the lease in 2010. Short Term

50. Maintain a dialogue with major landowners regarding their future plans and discuss methods for preserving significant open space for recreation. Ongoing

Goal 2: The Town shall maximize the responsible use of town open space through implementation of the 2001 Greenbelt Plan, Fort Williams Master Plan, Gull Crest Master Plan and Winnick Woods Master Plan.

Implementation Steps

51. Promote volunteer efforts such as Cape Trails Day and student trail events to construct and maintain trails. Ongoing
52. Continue to fund the purchase of materials to construct boardwalks and bridges, especially as a match when volunteer labor is available. Ongoing
53. Continue to seek grant funding and partnerships with like-minded groups to implement the above master plans. Ongoing
54. Review the master plans overseen by the Conservation Commission and the Fort Williams Advisory Commission every 7 years, to insure that the plans are being implemented appropriately. Long Term
55. Hold a public forum with trail users to develop a policy regarding conflicts between trail users. Short Term

Goal 3: The Town shall support the high level of resident participation in Community Services Programs and the high quality of the town's recreational facilities.

Implementation Steps

56. Explore the need for additional athletic fields, gym activity space, and outdoor lighting for recreation areas. Long Term

Marine Resources Goal

Goal 1: The Town shall manage marine resources to protect commercial fishing and access and also to provide for recreational boating.

Implementation Steps

57. Continue to reserve and improve the Kettle Cove boat ramp for commercial fishing, WETeam, and other emergency access. Ongoing
58. Study the need for and the potential location of an additional boat ramp and parking facilities for all users. Long Term
59. Evaluate the need for and feasibility of public access (including parking) to shell fishing beds for licensed, commercial fishermen. Long Term

Water Resources Goals

Goal 1: The Town should retain its local Shoreland Zoning and Great Pond Watershed Overlay District regulations that require preservation of vegetated buffers and restrict activity in shoreland areas, resulting in no degradation of adjacent water bodies.

Implementation Steps

60. Update the local Shoreland Zoning requirements to be consistent with new state Mandatory Shoreland Zoning requirements which take effect in 2008. Short Term
61. Retain the Great Pond Watershed Overlay District. Ongoing
62. Initiate an educational effort to reduce the occurrences where land owners have altered vegetation in buffer areas in a manner that degrades water quality. Short Term
63. Take advantage of new technologies and funding opportunities to eliminate the remaining overboard discharges. Long Term
64. Investigate, in cooperation with private land owners, adopting names for unnamed bodies of water to aid in public awareness. Long Term

Goal 2: Periodic water quality testing should continue and be expanded to monitor local water quality in order to identify potential problems in the early stages and also to assist in priority setting for infrastructure policy and improvements.

Implementation Step

65. Expand the periodic water quality testing of Great Pond to a town-wide program that includes identifying standard water quality testing sites throughout town which are tested every 5 -10 years on a standard set of parameters. Long Term

Critical Natural Areas Goal

Goal 1: The Town's critical natural resources are clustered together in areas that currently enjoy strict local protection from alterations and impacts. This current regulatory structure, which includes Resource Protection regulations, Shoreland Zoning and Floodplain Management, should be maintained.

Implementation Steps

Reworded 66. Maintain the current stringent local wetland regulations as they apply to residential uses, **including keeping the buffer at the current 250 ft. strip.**
Ongoing

Reworded 67. Retain and update the **current stringent** Resource Protection Regulations, Shoreland Zoning and Floodplain Management Ordinance **and update** as needed. Ongoing

68. Confirm that the existing Resource Protection permit process delineates significant vernal pools. Short Term

Agriculture and Forestry Goal

Goal 1: The Town shall support the continuation of farming and management of woodland areas by working with farmers and land owners to provide for financial rewards and preservation of significant agricultural and forestry areas.

Implementation Steps

69. Develop an agricultural profile, in conjunction with farmers, that assesses the economic, cultural, and resource stewardship value of agriculture in Cape Elizabeth, and which includes quantitative and qualitative research, identifies the critical challenges facing local agriculture, and develops recommendations to address these challenges. Short Term

70. Identify and modify town regulations that hamper the flexibility needed to make farming economically viable. This review shall include, at a minimum: Short Term

- Minimum lot size for fish and farm markets;
- Temporary buildings needed for worker housing;
- Agriculture related accessory buildings and uses;
- Agriculture definition;
- Agriculturally related produces and uses;
- Restrictions on the percentage of non-farm/non-local produce that may be sold in farm markets.

71. Educate farmers and woodland owners of the full benefits available under the State Farm and Open Space Law and the Tree Growth Law. Ongoing

Historic and Archeological Resources Goal

Goal 1: The Town shall preserve local historical resources.

Implementation Steps

72. Expand the space allotted to the Cape Elizabeth Historical Preservation Society for records preservation and research. Long Term
73. Require new development undergoing Site Plan or Subdivision Review that is located in sensitive archeological areas as shown on the Historic Resources Map to submit an archeological survey prepared by the MHPC or a qualified professional prior to a finding that the application is complete. Long Term

Regional Coordination Goal

Goal 1: The Town will pursue opportunities for regional cooperation, possible expenditure savings, and service efficiencies for Cape Elizabeth taxpayers.

Implementation Steps

74. Continue discussions with the City of South Portland Fire Department regarding consolidation of the Willard and Cape Cottage Fire Stations in a manner than does not compromise the ability to provide fire protection to Cape Elizabeth residents. Ongoing
75. Pursue additional opportunities for regional delivery of services, cost sharing and opportunities for efficiencies and service improvements. Ongoing
76. Ensure that regionalization opportunities are incorporated into the annual budget process. Ongoing

Land Use Recommendations

Goal 1: The Town shall continue to promote clustering of proposed new development in identified growth areas, increase open space and discourage development in other parts of town.

Implementation Steps

- Reworded** 77. Maintain the **current large** lot size and **low density requirements** in the RA District, which includes 50% of the town, to ensure a range of choice for residents. Ongoing
78. Increase the density of the RB District, which includes 7% of the acreage of the town, with Open Space zoning, where public sewer is available, from 30,000 sq.

ft. to 20,000 sq. ft per lot, and increase the Open Space Zoning open space requirement from 40% to 45% in the RB District. Short Term

Reworded 79. *Review the design of open space in the Open Space Zoning provisions to maximize the amount of open space in a single contiguous parcel and discourage narrow strips **except for trails.*** Short Term

80. Make the Open Space Impact Fee not applicable when a subdivision is designed in compliance with the Open Space Zoning Regulations, which include a separate open space requirement. Short Term

Reworded 81. Eliminate the cap on the number of units per building allowed for multiplex developments located in the RC and RB Districts. Create design standards for buildings exceeding 5 units and a maximum height limit that is greater than the current 35' height limit. This will be **available only in conjunction with the Agricultural TDR (# 84) or 55 and older (# 15)** implementation steps in the RB and RC Districts. Short Term

82. Reduce the minimum lot size required for multiplex housing in the RC District from 5 acres to 3 acres and eliminate the minimum lot size for multiplex housing in the RB District. Short Term

83. Overhaul the Subdivision Ordinance to align state and local subdivision standards of review. Short Term

Goal 2: The Town shall add land use regulation options that preserve community character.

Implementation Steps

84. Create a Transfer of Development Rights Agricultural Bonus that increases the number of development units transferred from farm fields by one-third. Short Term

85. Continue to allow the development of infill lots at current nonconforming minimum lot size requirements. Ongoing

Goal 3: The Town shall require that development in the RB District be served by public sewer.

Implementation Steps

86. Designate the RB Districts as Sewer Service Areas. Short Term

87. Require new subdivision development in the RB District to be served by public sewer. Short Term

Mrs. Richardson made a motion to adopt the categorizations, Mr. Murray seconded, and the vote was unanimous in favor of adoption.

The Committee requested a new statement in bold to be added to the list. It is to say that the goals are listed in chapter order by the State checklist, not by priority.

There was a brief discussion of who should assign each goal to a committee. It was agreed that Ms. O'Meara would take care of this task.

Vision Statement

Mrs. Schenkel started the discussion with a reading of the vision statement she has written. The Committee felt the vision statement that is already in place was more to their liking. There was a lengthy discussion about the vision statement that is now in place. Many members had ideas for its modification. Among the ideas were, to put the ideas in bullets, to change various words, to change the order of the words and ideas, and whether to leave the vision statement in a box on the page. The vision statement agreed upon is as follows:

The vision represented by this Comprehensive Plan is to preserve Cape Elizabeth as a highly desirable community in which to live by; maintaining excellent educational and municipal services; continuing the pattern of slow planned growth; encouraging the preservation of working farms; expanding open spaces and accessible trails; cultivating the Town Center as a mixed use commercial area; supporting the high level of citizen involvement in town activities; and balancing services and costs.

Implementation Step 81

Implementation Step 81 concerns eliminating the cap on number of units and heights of multiplex developments. Mr. Herrick wanted to be sure that the language is specific to restrict this to Agricultural TDR or over 55 housing.

The Committee voted to adopt this Implementation Step as amended.

Submission of Plan to Town Council

The Committee was asked to decide if they need another meeting to see the absolute final version of the Plan before it goes to the Town Council. Should it be left to the Chair to review, or a subcommittee? Shall Ms. O'Meara email it to the Committee and then there will be opportunity to comment by each member.

Ms. Lynch suggested that the Committee should gather for the purpose of voting on the final version.

Mrs. Swift-Kayatta told the Committee that they may not discuss the Plan by email. The Right-to-know laws prohibit any deliberations or discussions that are not in open session. She also felt it is important to vote on the final version. She suggested a vote on the draft, contingent on agreement on the finished draft. If anyone has an issue, we should meet again. She noted that the Committee would need to have a workshop with the Town Council to explain the Plan before public hearings are held.

Citizen Comments

Lee Wilson spoke to the Committee about the business districts. She said change is hard, but change is good. She would like to see Cape Elizabeth continue to develop as a town. She thanked the Committee and told them they have listened to the community.

Becky Fernald noted that it is an interesting experience to hear the Committee at work. She noted that they look at many aspects of the issues before deciding on a course of direction. She is still struggling with the Vision Statement. She would like to see affordable housing mentioned as one of the points in the Vision Statement.

Submission of Plan to Town Council

It was noted that the Committee may need to come to the Town Council workshop. It is the last piece of the process, and it is important to show the Town Council that you are behind this work, and to tell the Council how you arrived at these conclusions.

Ms. Lynch made a motion to adopt the Comprehensive Plan as amended. Mr. Herrick seconded and the vote was unanimous in favor.

It was agreed that if anything substantive arises, the Committee will meet again to discuss those topics and vote on the final draft.

In the letter to the Town Council there should be a recommendation for two workshops prior to a public hearing. The only document to be sent along with the Plan, will be the telephone survey. The rest of the supporting documentation should stay in the Planning Office to be available in case anyone wants to see the correspondence, minutes, etc.

The Committee wants to include in the letter to the Town Council a commendation of the support staff, namely Maureen O'Meara, Town Planner and Hiromi Dolliver, Minutes Secretary. Ms. O'Meara has done most of the hard work for this committee and they are very appreciative of that fact. They were very grateful for all her hard work and assistance to the Committee.

A discussion ensued as to when the Committee could meet if necessary to make a substantive change. They do not want to assign a sub-committee to do this. The next

meeting, if needed will be Tuesday February 27, 2007 at 7:30 am. Maureen will email the final version with amendments to the committee by February 13th. Committee members will have until February 23rd to provide comments or request another meeting.

Mr. Murray wanted to thank the Committee for a good experience. He had reservations about his presence on this board, but found his views were listened to with respect and that it was a very positive experience for him.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Hiromi Dolliver