

**Town of Cape Elizabeth
Ordinance Committee Minutes**

July 31, 2012

8:00 a.m. Town Hall

Present: Jim Walsh, Chair
Kathy Ray
Dave Sherman

Staff: Michael McGovern
Robert Malley
Maureen O'Meara

Mr. Walsh opened the meeting. There was no public comment. A motion was made by Mr. Sherman, seconded by Mrs. Ray, to approve the minutes, which passed by a vote of 3-0.

Town Ways Ordinance

Mr. Malley reviewed the proposed ordinance changes. He noted that the Town of Yarmouth has some good language which has been used in the amendments.

Ms. O'Meara noted that the access management language is new to the ordinance, but reflects good practices that are at least 10 years old. The committee confirmed that a denial of a permit under the access management standard would still allow vehicular access for a lot.

Mr. Malley explained the benefit of clearly explaining how to measure sight distance and the method to be used. He also reviewed changes to geometry, curbing, drainage and use of brick pavers.

Mr. Walsh asked about the insurance requirement. Mr. Malley explained that any work in a public right-of-way required a permit and that contractors have the insurance. In response to a question, he said that the town has not had to complete the curb cut work because the contractors do the work per his instructions.

Mr. McGovern noted that access management is important and standard practice. It is also important to send appeals to the Zoning Board.

Mr. Sherman made a motion, seconded by Mrs. Ray, to send the Town Ways amendments to the Town Council, which passed by a vote of 3-0.

Mr. Walsh noted that, as part of the Town Council Communication Policy, an effort to reach out to interested parties was made by emailing Rusty Pillsbury and Robert Stier a copy of the draft amendments with an invitation to provide comments. If any comments are submitted, they will be forwarded to the Town Council.

Solid Waste Ordinance

Mr. McGovern summarized the proposed amendments to the Solid Waste Ordinance. The commercial hauler revisions reflect current practice. Leafy waste is now a recyclable material.

Mr. Malley said that he has issued permits to non-residents family members who are clearing out a house of a family member on a case-by-case basis.

Mr. McGovern said when site clearing is done, we encourage separation of wood waste.

The committee discussed the use of the Swap Shop. Mr. Malley noted that he has received complaints that folks will dispose of a working item because they do not want frequent swap shop users to take the item and resell it. Mr. Malley said these types of problems are common with swap shop facilities. We do save money on tonnage fees by operating a swap shop.

It was noted that frequent users take up the parking and can descend on folks trying to drop off donations. Mr. Malley said that the facility needs someone there but this would not be the most productive use of his crew's time. Mr. McGovern said that most of these facilities are gated so you can check for residency. This facility is not designed for a gate. If we add a gate, traffic could back up onto Spurwink Ave. Mr. McGovern said that next year's budget will include a proposal for 2 people at the recycling center all the time. Right now, there are 10 hours a week when staffing is one person. The proposed revisions establish some rules that start addressing the issues.

The committee was generally satisfied with the proposed revisions.

Mr. Walsh suggested having a second Ordinance Committee meeting on these amendments before sending them to the Town Council in order to solicit comment from interested parties. He asked if the Recycling Committee would typically be involved in the ordinance amendments.

Mr. Malley said they tend to be more big picture. Their next meeting is this Thursday and he can go over the amendments with them at that time. Mr.

McGovern noted that these amendments are consistent with what the Recycling Committee has supported.

Mr. Sherman suggested that if the Recycling Committee has concerns, then they can be forwarded to Maureen and the Ordinance Committee can review them.

The Ordinance Committee agreed to wait on the Solid Waste Ordinance and not to schedule another meeting in light of the upcoming Town Council workshop on August 6th.