

**Town of Cape Elizabeth
Ordinance Committee Minutes**

May 2, 2013

8:00 a.m., Town Hall

Present: Kathy Ray, Chair
Jessica Sullivan
David Sherman

Guests: Garvan Donegan, Conservation Commission Chair
Victoria Volent, Planning Board Chair

Staff: Maureen O'Meara

Mrs. Ray opened the meeting and asked for action on the minutes of the May 2, 2013 meeting. The minutes were approved by a vote of 3-0.

Public Comment

No public comment was offered.

FOSP amendments to the Board and Commission Ordinance

Garvan Donegan, Chair of the Conservation Commission, was asked to comment on the Conservation Commission's perspective on the proposed amendments.

Mr. Donegan noted that the Conservation Commission is familiar with open space, and very familiar with the town open space in the existing inventory. Now that the Conservation Commission has completed the management plan, it is practical for the Conservation Commission's scope to expand. We will be holding two charrettes next month as part of the greenbelt plan. The Conservation Commission is good working with private landowners and effective at consensus building. We have worked with NEMBA (New England Mountain Bikers Association) and now are working with the horseback riding group and the farming group. The Open Space Evaluation and Preservation Program is a logical umbrella for this type of work.

Mrs. Sullivan wanted to confirm that the Conservation Commission prefers to remain at 7 members.

Mr. Donegan agreed. There was some hesitation at expanding. The group is effective now and there is back and forth between the 7 members. Deliberation would take longer with 9 members. The Conservation Commission unanimously

supports staying at 7, including Richard Bauman who was our FOSP representative.

Mrs. Sullivan asked if there is any comment or additions to the criteria? None were suggested.

Mr. Sherman asked about how it would work with private property owners and talking about property without the property owner present. Discussion followed about a process where the Conservation Commission would hold a discussion to establish priorities. Once a priority was identified, then the property owner would be approached. Expanding access to Loveitt Woods was used as an example. The discussion to pursue access into Loveitt Woods was done in a regular meeting, consistent with Right to Know Law and Town Council Communication policies. Individual discussions with property owners could be done privately, such as in an executive session.

Mr. Donegan agreed that Loveitt Woods is a good example. He noted greenbelt planning is conceptual and extends over the next 10 years. He noted the perception issue and more education about the process is needed.

Mr. Sherman suggested that we risk upsetting some property owners, but he didn't know how to avoid that and still start a process within the existing public right to know confines. He said we could tinker with the language, but he was ready to move it to the Town Council.

Mrs. Sullivan agreed, and asked if a reference to FOSP should be included in the amendment.

Mr. Sherman agreed that a reference to FOSP could be included in the Town Council vote. Including FOSP in a whereas statement was suggested.

Mrs. Sullivan moved that the FOSP Board and Commission amendments be forwarded to the Town Council for consideration. The motion was seconded by Mr. Sherman and passed by a vote of 3-0.

Subdivision Ordinance

Victoria Volent, Chair of the Planning Board, was asked to comment on the replacement Subdivision Ordinance. She based her comments on the "redlined" version of the amendments. She noted that the definition of subdivision is now the same as the state. We have also merged state subdivision standards with town standards. Overall, the ordinance is better organized and information is easier to find.

Mrs. Ray asked if the local standards were kept. Mrs. Volent said they were retained under the state headings and referenced road connectivity under the traffic standard as an example.

Mr. Sherman asked if clustering was preserved and it is.

Mrs. Sullivan asked about the definition of a lot. Mrs. Volent said that is a state definition and it is presented as written, even when the state language wasn't always well written.

Mrs. Sullivan concurred that it is better not to tweak the state language to avoid confusion.

The committee discussed the difference between the "redlined" version and the new ordinance.

Mr. Sherman said we typically look at each ordinance change but the changes here are overwhelming and he is not certain that level of review serves any goal. Mrs. Sullivan agreed that the ordinance has been fully discussed by the Planning Board and we have a summary of the concept supporting the changes. The committee also noted the design changes and that they had been reviewed by the Public Works Director, the Town Engineer and the Planning Board.

The committee asked the planner to identify areas where the most changes were made and she also noted the post approval section, where a lot of the town's common practices are now in the ordinance. Mrs. Ray approves of putting those in writing.

Mrs. Sullivan confirmed that the open space impact fee has been retained and it has.

Mrs. Sullivan moved that the proposed subdivision ordinance be forwarded to the Town Council for consideration and the motion was seconded and passed 3-0.

Public Comment

No public comment was offered.

Next meeting

The committee agreed to meet on Friday, May 24nd at 8:00 a.m. and the meeting adjourned at 9:15 a.m.