



## **Cape Elizabeth Town Council Minutes**

**Monday, June 9, 2014 - 7:00 p.m.**

**Cape Elizabeth Town Hall**

Jessica L. Sullivan, Chairman  
Caitlin R. Jordan  
Molly MacAuslan  
Katharine N. Ray  
David S. Sherman, Jr.  
Jamie Wagner  
James T. Walsh

### **Meeting Opening by the Town Council Chairman Jessica Sullivan**

#### **Roll Call by the Town Clerk**

All members were present.

#### **The Pledge of Allegiance to the Flag**

#### **Town Council Reports and Correspondence**

Councilor Walsh mentioned the progress of the Senior Citizens Advisory Commission.

Chairman Sullivan reported on the following:

- Congratulations to the CEHS Class of 2014
- Thank you to Jim Huebener, Chairman and participants in the Memorial Day Parade. Thank you to the fire department for hosting the open house at the Town Center Fire Station.
- Due to efforts of Cape Elizabeth's Tree Warden Mike Duddy, the Maine Chapter of the American Chestnut Foundation donated three disease resistant American Chestnut saplings and they have been planted at Fort Williams Park. Thanks to Mike Duddy and to the Maine Chapter of the American Chestnut Foundation.
- The paper shredding event at the recycling center was a success. Thank you to the Recycling Committee for organizing the event.

#### **Finance Committee Report**

Councilor Walsh reported the voters passed the school budget at the June 10 election.

Town Clerk Debra Lane reminded voters that the polls will be open tomorrow (6/10) at the CEHS gymnasium from 7:00 a.m. to 8:00 p.m. for the Primary and School Budget Referendum Validation Elections.

#### **Citizen Opportunity for Discussion of Items Not on the Agenda**

Tom Mikulka, 6 Arrow Point Road, "alerted" the town of the potential danger of tar sands through South Portland. "This is not South Portland's problem, it's our problem." There is potential danger of contaminating Sebago Lake and ruining our air quality. The town is "obligated" to study the issue. Cape Elizabeth should support the efforts of South Portland.

Mary Jane Farrier, South Portland representing a citizens action group Protect South Portland. Ms. Farrier asked the town council to express its appreciation and support of the South Portland City Council to approve the ordinance, to be considered by the end of the month, which will legally prevent tar sands coming to the South Portland port.

**Town Manager's Monthly Report**

Mr. McGovern reported on the following:

- Two items on the 6/17 Planning Board agenda; Thomas Memorial Library expansion site plan and a request by the Cape Elizabeth Land Trust for a 1-year extension of the RP permit granted to improve and install trails in the RP1, RP1 Buffer and RP2 wetlands within Robinson Woods.
- Noting a letter from Durward Parkinson to Robert H. Stier, Jr. clarifying the town's preservation of its paper streets remains in full force and effect as recorded in the Cumberland County Registry of Deeds (Document #054366).
- Preview of the 6/16 council meeting and workshop.

**Review of Draft Minutes of Previous Meetings**

The minutes of the May 12, 2014 meeting will be reviewed at the 6/16 meeting.

**Item # 85      Good Table Annual Licenses**

Moved by James T. Walsh and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, vinous and spirituous licenses for the Good Table Restaurant, 527 Ocean House Road as presented.

(7 yes) (0 no)

**Item #86      The Local Buzz Annual Licenses and Special Amusement Permit**

Councilor Wagner was recused from discussion and voting on this item as an owner of The Local Buzz.

Moved by David S. Sherman, Jr. and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, vinous and spirituous licenses and special amusement permit for Cape Café, LLC dba The Local Buzz, 327 Ocean House Road as presented.

(6 yes) (0 no)

**Item # 87      Town Center Committee Report**

Intro – Councilor Wagner, Member Town Center Plan Committee

Stephanie Carver, Chairman

Maureen O'Meara, Town Planner

Chairman Sullivan opened the item to public comments.

Sheila Mayberry, 30 Trundy Road, presented a petition from the Cape Elizabeth Environmental Coalition signed by residents and non-residents. The cover letter to the petition states; I oppose any changes to Cape Elizabeth's wetland protection ordinances. I oppose any alteration to wetlands in the town center zone.

Anne Carney, 21 Angell Point Road, stated the current zoning ordinance is detailed and define regarding the town center zone. If the amendment were to pass it would "take the ordinance in another direction." Standards could be waived if "someone" (who is the someone?) determines it's for the "substantial public benefit."

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Randi Bollenbach, 51 Belfield Road, stated rules should be followed without allowance for variances. When did the rules change to allow for 3 story buildings and mixed use when residents have not favored this type of development? TIF's are generally created for "economically challenged" areas, since the funds stay within the zone it would not benefit the town overall.

Suzanne McGinn, 1180 Shore Road, opposes the recommendation to alter the wetlands. The creation of a town green should be separate from the wetlands issue.

Mary Townsend, 5 Pearl Street, requested the town council to consider "balance in goal setting, asking residents to weigh in early so that the council's goals are a reflection of the general population. She suggested a balance in committees and note taking (committee members should not take minutes as it's difficult to participate as a committee member and take minutes). Suggestion to start reading the report from the back taking into consideration what the constituents want.

Valerie Hall, 45 Broad Cove Road, favors a town green adjacent to town hall. It's not a choice of whether to build or not, current ordinances allow development. We should be careful how we discuss the issue, "not every wet spot is a vernal pool and cutting down trees on one acre is not deforestation." The town should be made up of "woods, trails, neighborhoods, farms and a town center with small businesses and an attractive town hall at the center."

Tony Owens, 19 Sea View Avenue, concerned about the recommendation which "relaxes the wetlands ordinance to accommodate potential commercial development." His comments focused on wetlands preservation and vernal pools.

Sara Lennon, 54 Cranbrook Drive, spoke about the process which led up to the formation of the town center committee. The council should seek citizen input early before setting goals; perhaps each councilor should speak to 250 residents before the goal setting process begins. She disagrees with the "loosening" of the wetlands ordinance in the town center district.

Paul Seidman, 21 Oakview Drive, if the wetlands ordinance can already be altered why is there a need to allow more alterations? Is the change to build the town center green? If so, is there a substantial benefit to the town? Why hasn't the potential negative implications of a TIF been mentioned?

Laura McGrath, 1218 Shore Road, is opposed to the location of the proposed town center green, it should be next to the Thomas Memorial Library. Opposed to the development because of the increased traffic – safety issue.

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the 2014 Town Center Plan with appreciation to the Town Center Plan Committee for their work and sets the report to workshop 9/3/2014. (7 yes) (0 no)

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**Item # 88 Restaurant Seats in a BA Zone**

Intro – Mr. McGovern

Present – Maureen O’Meara, Town Planner

Moved by James T. Walsh and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council sets to public hearing the recommendation of the Planning Board to increase the number of restaurant seats in a BA zone from 80 to 100, concurrently being reviewed by the Ordinance Committee, for Monday, July 14, 2014 at 7:00 p.m. at the Cape Elizabeth Town Hall.  
(7 yes) (0 no)

**Item # 89 Review of the Duration of Time for Ordinance Amendment reviews**

Intro – Chairman Sullivan

Moved by James T. Walsh and Seconded by David S. Sherman, Jr.

ORDERED, the Cape Elizabeth Town council acknowledges receipt of the report prepared by Town Council Chairman Jessica Sullivan and Ordinance Committee Chairman Katharine Ray.  
(7 yes) (0 no)

**Citizens Discussion of Items Not on the Agenda**

Jim Clark, 350 Ocean House Road, is a new resident and is “impressed with the structure, vigor and thoroughness” of the council and looks forward to getting to know the community.

**Adjournment**

Moved by Katharine N. Ray and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council adjourns at 8:32 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

