



## **Cape Elizabeth Town Council Minutes**

**Monday, April 6, 2015**

**7:00 p.m.**

**Cape Elizabeth Town Hall**

**Katharine N. Ray, Chairman**  
**Patricia K. Grennon**  
**Caitlin R. Jordan**  
**Molly MacAuslan**  
**Jessica L. Sullivan**  
**Jamie Wagner**  
**James T. Walsh**

**The meeting was convened at 7:00 p.m. by Town Council Chairman Katharine N. Ray.**

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

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

All members were present.

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

Councilor Sullivan reminded everyone of the public forum to be held by the Solid Waste & Recycling Long Range Planning Committee on Thursday, 4/9 in the council chambers. Residents are invited to share their views on all aspects of the recycling center. The forum begins at 7:00 p.m.

### **Finance Committee Report**

Councilor Walsh, Finance Chairman reviewed the updated financial dashboard. The finance committee will meet Tuesday, 4/7 at 4:00 p.m. in the council chambers to review the community services budget and Monday, 4/27 at 7:00 p.m. in the lower level conference room at town hall to review the school budget.

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

None

### **Town Manager's Monthly Report**

Mr. McGovern announced that long-time town engineer Stephen Harding has now taken a position with Sebago Technics. Rather than the town staying with the previous firm Foster Wheeler, Mr. Harding will serve as the interim engineer understanding the town will obtain requests for qualifications and review of engineering services.

### **Review of Draft Minutes of March 9, 2015 and March 16, 2015 meetings.**

Moved by Jessica L. Sullivan and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meetings held on March 9, 2015 and March 16, 2015 as presented.

(6 yes) (0 no)

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**Item # 47-2015      Inn by the Sea Annual Licenses**

Present – Jim Glanville, Manager Inn by the Sea

Moved by James T. Walsh and Seconded by James R. Wagner

ORDERED, the Cape Elizabeth Town Council approves the annual malt, spirituous, and vinous licenses and special amusement permit for the Inn by the Sea, 40 Bowery Beach Road.

(6 yes) (0 no)

**Item # 48-2015      Collaboration with Scarborough for Assessing Services**

Present – Matthew Sturgis, Town Assessor

Intro – Mr. McGovern

Public Comments

Christopher Straw, 597 Shore Road endorses the collaboration with another municipality for assessing services.

Moved by James T. Walsh and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to sign an interlocal agreement with the Town of Scarborough for assessing services with Cape Elizabeth providing 40% of Matthew Sturgis' time to the Town of Scarborough for \$4,411.58 per month as presented.

(6 yes) (0 no)

**Item # 49-2015      Proposed Amendments to the Land Use Provisions of the Subdivision Ordinance and the Zoning Ordinance**

Present – Maureen O'Meara, Town Planner

Intro – Peter Curry, Chairman Planning Board

Public Comments

Christopher Straw, 597 Shore Road asked the town council to read the changes in detail and to strike the provisions to allow the planning board to waive set back requirements and the provision "unit as a unit."

Tony Owens, 19 Sea View Avenue referenced the 2005 survey in which a majority positively responded to open space, preserving the rural character and farm land and least important were changing the variety of housing, improvements to the town center, and attracting commercial development. 10 years after the last survey it's worth asking residents if they have changed their minds about multiplex housing.

Councilor Jordan arrived at 7:37 p.m.

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Sara Lennon, 54 Cranbrook Drive said the town council needs to “take a mile high look, step back and ask what this action would look like on the ground.” What do the citizens want? So far the town planner has “headed” several committees dealing with land use and it’s time for a variety of viewpoints from not only the town council but from citizens. The item should be referred to a council workshop before another subcommittee.

Paul Seidman, 21 Oakview Drive asked what the “detailed consequences are by turning these recommendations into law?” Do the citizens agree with the multiplex recommendations? The review should “stop now or put up to a citizen vote.”

Richard Gilbane, 226 Bowery Beach Road has worked on multi-residential projects and often lives in the midst of them. His advice is “don’t do it.” “Don’t fall into the peer pressure because they have it, we need it. Keep the best that we have.”

Suzanne McGinn, 1180 Shore Road referred back to the 2005 citizen survey in which residents favored protecting and preserving ponds, wooded areas, open space and rural character and disagreed with multi-unit buildings. With the proposed density bonus “the developer is getting a lot for nothing.” Concerned about the density bonus on farm land. The item should not be referred to the ordinance committee. The town should take another survey to see if sentiments have changed and update the comprehensive plan.

Elizabeth Goodspeed, 59 Belfield Road “feels bad for people not protected by an HOA.” Concerned about the density bonus which developers could build on agriculture land and receive “a lot of extra benefits with little in return.” Each unit should count as one unit. The proposals are “so far off from what the 2005 results showed” the process should be slowed down for further discussion and take another survey.

Mary Townsend, 5 Pearl Street asked several questions including process. Why are changes being proposed now? If it’s a plan not encouraging growth why are bonuses being proposed? Why is the size of buildings being increased? What is the harm in sending this to council workshop instead of ordinance committee?

Moved by Caitlin R. Jordan and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council thanks the planning board for its report and refers to a town council workshop the set of proposed amendments to the land use provisions of the subdivision ordinance arising from the 2007 Comprehensive Plan.

(7 yes) (0 no)

**Item # 50-2015      Paper Streets**

Present – Maureen O’Meara, Town Planner

Intro – Mr. McGovern

Moved by Patricia K. Grennon and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council approves the proposed public engagement process for the possible extension of the town’s rights in so called “paper streets” as presented.

(7 yes) (0 no)

See attachment.

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**Item # 51-2015      Cottage Brook Subdivision**

Intro – Mr. McGovern

Moved by Martha MacAuslan and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to sign a corrective quit claim deed for a portion of the Cottage Brook subdivision to clarify drainage rights within the town open space as presented.

(7 yes) (0 no)

**Item # 52-2015      Filling of Vacancy on the Planning Board**

Intro – Councilor MacAuslan, Chairman Appointments Committee

Moved by Martha MacAuslan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Jonathan Sahrbeck, 60 Longfellow Drive to serve an unexpired term on the Planning Board until 12/31/2015. The term is effective immediately.

(7 yes) (0 no)

**Item # 53-2015      Group Use Request for Fort Williams Park**

Intro – Mr. McGovern

Moved by James T. Walsh and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to approve the request of the Maine State Troopers Association for the use of Fort Williams Park on September 10, 2015 for the National Troopers Coalition Picnic as presented.

(7 yes) (0 no)

**Item # 54-2015      Library Employee Parking at Former Cumberland Farms**

Intro – Mr. McGovern

Moved by James T. Walsh and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to sign an agreement with Cumberland Farms to permit parking for Thomas Memorial Library employees on the former Cumberland Farms site while construction is ongoing at the library at a cost of \$1.00 and in a form acceptable to the town attorney.

(7 yes) (0 no)

**Item # 55-2015      Utility Pole Location Permit**

Deborah Murphy, 24 Pilot Point Road representing FairPoint Communications stated due to citizens concerns FairPoint is removing the request for a pole location permit on State Avenue in an area in front of 32 State Avenue.

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**Item # 56-2015      Family Fun Day Fireworks**

Moved by James R. Wagner and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council authorizes the Family Fun Day committee to fundraise approximately \$5,000-\$7,000 to have fireworks in conjunction with Family Fun Day.

(7 yes) (0 no)

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

None

**Adjournment**

Moved by Patricia K. Grennon and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council adjourns at 8:31 p.m.

Following the town council meeting, the town council met in workshop session.

Respectfully Submitted,

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Debra M. Lane, Town Clerk