

**Town of Cape Elizabeth
Ordinance Committee Minutes**

August 4, 2015

5:45 p.m., Town Hall

Present: Jamie Wagner, Chair
 Caitlin Jordan
 Jessica Sullivan

Staff: Maureen O'Meara

The minutes of the July 13, 2015 minutes were approved.

Public Comment

No member of the public chose to speak.

Land Use Amendments

The Ordinance Committee restarted review where they left off at the July meeting, on page 3, and revisited the Multiplex Housing definition. The committee agreed that the shorter definition was adequate given the new Multiplex Housing standards.

The committee had no objection to the added language in Sec. 19-4-3(A) that clarifies the requirement that lot with insufficient frontage must obtain approval under Sec. 19-7-9, Private Access Provisions.

The committee discussed at length the appropriateness of placing multiplex housing on 5 acre lots in the RA District and 3 acre lots in the RC District. The committee reviewed a map sorting lots by size category in the RA and RC Districts. Based on the lots available and public comment, Councilor Wagner did not support the change and Councilor Jordan concurred. Councilor Sullivan pointed out that the lot size change provides more flexibility to property owners and allow greater amounts of open space preservation and reduced impervious surface.

Councilor Wagner expects that comments at a public hearing would be opposed to equalizing multiplex with single family housing.

Councilor Sullivan said the decision should not be based only on what people came out, but also on the town's guiding principle to preserve open space. Nobody wants development next to them. Unless they buy the land, they can't control it.

The committee discussed the possibility of large single family homes on 5 acre lots being torn down for multifamily housing. There was agreement that it was unlikely, but the possibility was another reason not to reduce minimum lot sizes.

Councilor Sullivan suggested the minimum lot size change might incentivize a developer to offer a land owner more for their land if multiplex could be constructed. Councilor Wagner suggested that single family homes would be more aesthetically pleasing than multiplex in some neighborhoods. Councilor Jordan is looking to incentivize multiplex and stated that open space can be saved as easily on a 10 acre lot as on a 5 acre lot. Councilor Wagner concluded that Cape Elizabeth is a single family home town.

Councilor Wagner recognized Councilor Sullivan's description of alternative scenarios, but is unconvinced. He is a fan of statistically valid surveys and would like to fund a survey. If the survey results supported multiplex, he would support it. Councilor Sullivan responded that surveys are more appropriate at the town council rather than ordinance committee review phase.

Councilors Wagner and Jordan agreed that they would not reduce the minimum lot size in the RC district for multiplex to 3 acres. Councilor Wagner noted that the RC District is close to South Portland. Councilor Sullivan said that public sewer connection for new development is good and providing more flexibility helps fund sewer costs. She does not think this is a huge issue because Cape will not be experiencing a lot of growth. Seniors are asking for some housing options.

On page 6, the committee agreed to the change that multiplex setbacks would be the same as setbacks for single family homes in the residential districts.

On page 12, the committee reviewed the setback flexibility language for Open Space Zoning. They agreed to take out the word "increasing" and also to preserve flexibility for the Planning Board.

The committee discussed the RB density increase on page 13. Staff explained that the density increase is one half of the partner recommendation to increase the open space preserved to 45%. If the density is not increased, the open space preserved should not be increased or a disincentive for developments to use the Open Space Zoning provisions will be created, resulting in a decrease in open space preserved. Councilor Wagner said he had heard from citizens for a desire for other than single family housing and is ok with tweaking densities a bit. We are aging as a town and state. He referenced a comment made by a Town Center resident that would like a multifamily unit option. The committee reviewed the Zoning Map to confirm the location of RB zoning districts.

On page 14, the committee agreed to the 45% open space increase.

Staff reviewed all the changes requested by the committee, and also distributed a list. The committee reviewed the list and discussed if they wanted to see the changes before making a recommendation to the Town Council. The committee agreed that the Land Use Amendments package would be revised by staff and sent to committee members. Committee members could email any comments, but the final draft would be approved by Ordinance Committee Chair Wagner to avoid any potential for discussion by email.

Councilor Jordan made a motion to recommend the Land Use Amendments to the Town Council as amended, which was seconded by Councilor Sullivan and passed by a vote of 3-0.

Public Comment

In response to an invitation from Chair Wagner, Mr. Seidman declined to comment.

Next Meeting

The next meeting of the Ordinance Committee will be held on Monday, September 14, from 5:30 p.m. from 6:45 p.m., at which time they will discuss the Special Event Facility Overlay District map and zoning amendments.

The meeting adjourned at 6:39 p.m.