

MINUTES OF THE COMPREHENSIVE PLAN COMMITTEE

September 25, 2017

7:00 p.m. Town Hall

Present: Timothy Thompson, Chair
Peter Curry
Elizabeth Goodspeed
Kevin Guimond
Penelope A. Jordan
Sara W. Lennon
Susana Measelle Hubbs
Harvey Rosenfeld
Victoria Volent

Also present: Maureen O'Meara, Town Planner, Ben McDougal, Code Enforcement Officer, Howard Colter, School Superintendent

Call Meeting to Order

Mr. Thompson called the meeting to order and asked for public comment.

Public Comment

Paul Seidman of 21 Oakview Drive is concerned about smaller units of housing for the elderly. He wants to know what is an affordable house?

Heidi Hansen of 313 Fowler Road asked about the final review of the Economy chapter.

Mr. Thompson explained that the final review will really be after they are finished with all the chapters, in about 18 months from now.

Ms. Hansen also likes Loomio and wanted more information about it. She wants the committee to read and discuss the Loomio comments when the committee is reviewing a chapter. She lives on Fowler Road and is concerned with the many huge trucks going down Fowler Road. It might as well be a business district the entire length. Also, the farm stand across from her house makes it a business, agricultural and residential area. She wants the committee to protect those areas in town that are affordable. She also said they have no idea how many people work from home. The town needs better internet and cell coverage and broadband.

Approval of minutes: August 16, 2017

The minutes of August 16, 2017 were approved, 9-0.

Conversation with:

Ben McDougal, Code Enforcement Officer

Mr. McDougal said he is on the front lines of housing. Last year he reviewed and inspected \$25 million in improvements to the town, which is double the projection. Housing and renovations are booming in town. As for accessory dwelling units, he has only seen 3 in the 4 years he has been here, so not a lot of activity. An accessory dwelling unit is a small apartment that is part of a single family dwelling unit. Cape Elizabeth is mostly residential, but have also had a couple of large (\$4 million) commercial projects in the last year.

Ms. Jordan asked if there is a trend to more accessory dwelling units, other types of housing?

Mr. McDougal said he thinks there will be more, especially as baby boomers age.

A discussion about rentals, both short term and longer term, ensued. Ben confirmed there is a lot of short term rental activity. No permitting is required to rent out a bedroom, called a homestay. Not everybody has a short term rental permit. They are hard to chase and keep track of. It is a growing trend this committee may be interested in. Ms. Jordan asked for articles about other communities. Should there be a cap? Banned? The community will need to discuss this. Mr. McDougal was asked if he could use some help and he said he could to chase down people for permits, and the ordinance is time consuming to get folks through the permit.

In response to a question, Mr. McDougal agreed that one consequence of short term rentals is that long-term rentals are removed from the market.

The committee discussed how some of the large houses could be repurposed, including allowing them to be divided into condominiums. Mr. McDougal said you would not need any special approvals to share a house that still has one shared kitchen. The major impediment to converting existing large homes to multi-family units is the maximum density requirements. Mr. Guimond noted that adding units to a home with a septic system could have environmental consequences and he would like to talk about public sewer capacity/expansion. He also mentioned looking at sprinkler requirements when a building is repurposed.

Ms. Lennon asked about allowing large houses to convert to condos. Can we change our zoning without a large revamping of regulations? This might be an option for large houses in certain areas, like Shore Rd.

Mr. Thompson asked about allowing development on infill lots? Ms. O'Meara explained how infill lots were considered by the town twice in the past, and the Town Council chose not to make changes. Some lot owners would want to make their lots buildable, and many lots are in public sewer areas.

The committee asked about tiny houses. Mr. McDougal said they still must have water and sewer, and meet basic building requirements to be a dwelling. The building code update in the works includes a tiny house provision.

Ms. Jordan asked about trends. Do code violations point to any trends to address housing? Mr. McDougal said working from home is common and that is allowed now as a home occupation or home business. Sprinklers are a nationwide trend. Maine generally lags behind the country with building codes, but we would not have adopted a statewide code if we included sprinklers.

Ms. Hubbs asked if there is a rule that a portion of the remaining 390 vacant parcels will be affordable? Affordability is requirement for new subdivisions.

Howard Colter, School Superintendent

He wanted to publicly acknowledge Ms. O'Meara for being very helpful and meeting with him and other school department staff.

He said they still have three schools and the total enrollment has declined over a period of years from about 1800 to 1600 children. He said the State may require local schools to offer preschool. He thinks preschool is a good thing and thinks they may offer it even if the State does not require them to. He spoke about preschool programs for children with disabilities, and the advantages of those programs.

He then talked about teachers and parents who come back to the community where they went to school. Your schools are at an ideal size, not too large or too small. He said the wiring in the schools is awful and broadband is necessary.

In response to a question from Ms. Jordan, Mr. Colter said the cafetorium is a flawed facility with steps in the middle and over capacity. It's just one facility serving all the kids from all three schools. It's like moving cattle through in order to serve them all in 5 shifts. He feels socialization is important and that's not accommodated in the space. He is also in favor of more vocational education, and would like to see places for the kids to work with their hands. He would love to see the kids getting out into the community more. The committee heard about past partnerships with vocational high school in Portland.

Mr. Rosenfeld asked how you deal with the declining numbers of students?

Mr. Colter placed Cape in context with other regions in the state. He feels that the town is in an enviable position because there are jobs in the region and that is not true all over the state.

Ms. Lennon asked how important it is to have affordable housing for teachers? Mr. Colter said it is very important for the teachers to live in town. They want to be able to see their students and parents out in the community. They are your neighbors and friends.

In response to a question as to why it is so difficult to get a permanent superintendent, Mr. Colter suggested said it is important to get candidates that have experience.

Public Participation

*Committee meeting schedule: After reviewing a chart of members' availability, the committee decided to meet on the first Wednesday of the month. They will still keep to Monday, October 23rd at the Public Works building. November's meeting will be on November 9th to avoid a conflict with November 1st by three people.

*Online forum Schedule: Ms. Volent said she will moderate both of the housing questions. The committee approved the next couple of questions and assigned moderators. The committee had asked for first and last names of Loomio commentors and learned that Judy cannot make people provide those names, only reject them. The committee agreed to continue to request names and emphasize that comments have more weight if names are included.

*Population Chapter Report: There was a discussion about the format of the reports, and that the Committee member who has moderated the Loomio comments that are non-chapter questions, would make the report. The committee agreed to the format, including the comments in the report, and to prepare the non-chapter questions. Actions from the comments should be incorporated into the chapter recommendations.

*Surveys update: The Kelly Myers survey is ready to go. He has said if he sends the link to the committee, keep in mind it will be live. Postcards will be mailed out around October 2. Ms. O'Meara said there will be some publicity on the website on October 2. Mr. Myers thinks he will have the data on the survey by the end of November. The condo mini-survey is done and will be taken up with the housing chapter.

*Public Forum date: The Committee agreed to schedule the Forum in January, 2018 with the exact date to be determined at the next meeting.

Ms. O'Meara asked if the Committee still wants to make a comprehensive plan presentation to various groups in the town. The Committee agreed that each of them will do 2 of those meetings. Mr. Thompson volunteered to do the Rotary presentation on November 29th.

Economy Chapter Draft second review

The committee reviewed the chapter page by page and made mostly minor corrections. They reviewed each business district map. A description of the TIF district was added as requested by the committee. They noted that many people are working from home, which was emphasized by the online forum comments. They agreed to remove the map on page 15.

The revised draft includes more information on the commercial activities that are permitted in residential districts as they tend to be controversial. The committee discussed a policy that commercial activities should first be located in commercial districts, but low-impact commercial activities may still be allowed. Ms. O'Meara suggested balancing low-impact commercial in residential areas. There was general support for continuing current policies, but also concern that the language be drafted to allow a small amount of impact.

A new tourism section has been added that grounds tourism as a historic activity in the town. New tourism intensity, often due to the internet, have created tension. The section references short term rentals, the special event facility overlay district and tensions with residential areas. The town is periodically petitioned to consider zoning map amendments and this section may provide guidance.

The committee began review of the draft goals and recommendations. Ms. Lennon suggested that the committee hold off on any goals and recommendations until there is more citizen input. The draft goals do not reflect the online forum public comments. Why are we using the last plan as a starting point? Why are we mentioning the Town Center Plan? Why not mention tourism, broadband, internet, education?

Ms. Jordan suggested that some people respond more when there is food for thought, and we are not saying these are final. Mr. Rosenfeld suggested the draft goals be left in, but add that statement that they are likely to change and we welcome public input.

Ms. Lennon said the goals come from the last master plan, town center plan, which she does not consider relevant for the next 15 years. She doesn't think

people agree with the Town Center Master Plan, or that it should be promoted as the primary commercial area of town. The plan was controversial and approved by the Town Council. Ms. Jordan said that if we are thinking about town center in the future, our residents may want something in the town center that is not there already. Ms. Lennon asked why we are starting with the town center, when we agree that going forward it will be different, tourism, broadband, telecommuting, public transportation. Is the town center, that tiny little spot, our goal number 1?

Ms. Jordan said we should be looking at those issues, but not to the exclusion of others that may need to shift due to things like population needs. Mr. Curry questioned ignoring the old master plan, the 2 year old town center plan. Our mission is not to throw out existing municipal policy in favor of something new. Ms. Lennon does not want to include existing policies, documents in the new plan.

Ms. Goodspeed suggested not including goals until the survey has been completed. Ms. O'Meara cautioned the committee that the workload for the committee to prepare goals and recommendations at the end of the process may be overwhelming.

Ms. Jordan said the process is synthesizing information and revising drafts. Ms. Lennon suggested writing some good goals, and the town center is barely mentioned, so why is it the number 1 goal.

Ms. O'Meara reminded the committee that the comprehensive plan is the foundation for the town's land use regulations. Land use regulations that are not supported in the comprehensive plan are legally vulnerable. Ms. O'Meara invited Ms. Lennon, or any other member, to develop some goals and send them to her and she will put them in the draft chapter for the Committee to consider.

Mr. Rosenfeld said he will write up the Loomio report on the Economy Chapter question and provide a list of the most commented items for the next meeting, and members may not agree with his list.

Ms. O'Meara asked if draft goals and recommendations will be included in draft chapters? Mr. Curry criticized the "blank slate" approach. Starting with prior goals is a standard approach that gives us a place to start with and will be revised and doesn't bind us. Mr. Rosenfeld wants to wait and use Loomio as the process to create goals.

Mr. Thompson asked committee members to submit grammar type changes to Ms. O'Meara in advance of the meeting.

Ms. Hubbs asked how likely it is to revisit the chapters after the draft review is done? Ms. O'Meara said she still recommends that you work through the chapters. Each chapter gets two meeting reviews and is then set aside till the end. Three meetings are set aside in your schedule at the end to review all chapters. You do a final review of all chapters when you have the comprehensive perspective of how they fit together. Alternatively, you can also write all the recommendations at the end.

Housing Chapter first review

Since time was running short, it was agreed to consider the housing chapter at the next month's meeting.

Committee member items

They agreed to do the Economy and the Housing Chapters next month.

Public Comment

Heidi Hansen said that when the Committee was talking about making presentations to neighborhood groups, it excludes people who do not live in neighborhoods. She noted people who work at least part of the time from home and how important broadband is to those people.

Paul Seidman said people still aren't aware of the Comprehensive Plan. He would like to have more publicity in the Courier. He said he has never gotten a response writing to the Comp Plan email address.

Next Meeting

Monday, October 23rd at the Public Works Building. There will be a tour of the building at 6:30 p.m.

The Committee adjourned at 10:05 pm.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary