

MINUTES OF THE COMPREHENSIVE PLAN COMMITTEE

December 6, 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

Absent: Harvey Rosenfeld and Victoria Volent

Also present: Maureen O'Meara, Town Planner

Call Meeting to Order

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

Public Comment

Paul Seidman asked when the survey will be done.

Nick Bryant of 55 Spurwink Avenue said he was the primary drafter of the shortcut ordinance. The ordinance was adopted by referendum 10 years ago. It doesn't prevent connectivity, but the creation of a shortcut from one major road to another if they go through an existing development of 5 houses or more. You can connect two adjoining subdivisions, but you just cannot do that if it creates a shortcut between two major roads. You can have a gate for emergency access. He said he is a proponent of connectivity.

Becky Fernald of Mitchell Road is concerned about infill lots. People buy a house thinking there is an unbuildable lot next door. Then there is another house right next door to them. She said you are trying to squeeze in as many houses in a small area as you can.

Regarding the transportation chapter, you are revisiting the town wide referendum that was passed in 2006. It prevents shortcut streets that go through neighborhoods. If it cuts through a neighborhood it changes the whole quality and character of that neighborhood and the increase of traffic would endanger the children.

Approval of minutes: November 9, 2017

Ms. Jordan said she needed to address the email from Chris Straw about herself and Ms. Lennon. Mr. Straw claims that the two have not been properly appointed by the Town Council to this committee. He claims there was never a vote on their appointment.

Mr. Thompson wants a vote on whether to discuss this issue even though it is not on the agenda. The committee voted 5-0 to discuss.

Ms. Jordan read the email and it said the two are not legal members of the Committee and should not be voting at the December 6 meeting. They were never officially appointed.

Ms. O'Meara said the only people who can appoint to this committee are Councilors.

Mr. Curry said it was the intent of the Council to appoint them and he supports that they continue as they have been. He made a motion that they continue to sit at the table and if they are not comfortable voting, that they do not do so. The vote was 5-0 that they participate, but not vote.

Mr. Guimond made a motion that we allow more public comment to allow the large group that has come in to talk. That motion was passed, 5-0.

### Public Comment

Mr. Thompson reopened the public comment;

Paul LaLiberty of 29 Thrasher Road addressed the proposed connectivity between neighborhoods. Mitchell Highlands is a quiet and safe neighborhood. Children walk and play in the street and their yards. That safety was threatened when Spurwink Woods was developed. It would have created a short cut from Mitchell Road to Spurwink Road. They were concerned about the traffic from the new development and also from the cut through from Spurwink Road. The safety of their neighborhood was threatened. They could also install a gate. The developer chose to install a gate. The neighbors proposed a referendum to prevent shortcuts between two major roads. The town passed the referendum. Please do not overturn it.

Laurie Roberts of 47 Columbus Road said when the access road for construction vehicles was opened we had significant issues. There are 20+children 8 and under in the neighborhood. She is asking that the gate stay closed. She also said vehicles squeeze around the gate and speed.

Michael Meir of 26 Thrasher Road said this is a wonderful neighborhood, that is safe for kids. If you open the gate, it will kill the charm of the neighborhood. He wants the gate to stay closed and for emergency access only.

Laura McLean of 23 Columbus Road showed a drawing of the neighborhood and the new neighborhood that adjoins. She showed how many young children are in the area. She implores the Committee to keep the gate in place.

Dan Roberts of 47 Columbus Road said the cars speed on the road thinking they can cut through. He said they want to keep the gate closed.

Tom Lechner of 4 Thrasher Road said the gate serves its purpose. He does not want kids to be endangered.

Chris Oberholtzer of 52 Columbus Road said there are young families in the area. It is a dead end street with no sidewalks. It's a safe place.

Ann Ball of 32 Thrasher said she is a handicapped person who has a 3 wheel bicycle. She bikes in the neighborhood. She wants to keep the gate.

Sharon O'Neill of 56 Columbus Road said she would like more non-vehicular connectivity.

Kate Lewis of 29 Columbus Road is concerned about the traffic. It would totally change the neighborhood if you allowed a cut through. You need to think of safety.

George Ball of 32 Thrasher Road said he is concerned about more traffic and the visibility when you turn left at Mitchell Road.

Tim O'Neill of 56 Columbus Road is also concerned about the intersection with Mitchell Road. Turning left at that corner, there is poor visibility.

Eric Olsen of 32 Kildeer Road said if you open the gate, there would be lots of traffic. In the winter, they open the gate for snow plowing and we get a lot of traffic. Please do not open that gate.

Chris Straw of 597 Shore Road stated that he is here as a town resident only. He says procedure matters, so he raised the issue of Ms. Jordan and Ms. Lennon. He is concerned about the statistics being used. In particular the claim by this group that the population of children under the age of 5 is down by almost 50%. It is flatly wrong. He then gave a "crash course" on statistics.

Ann Ball of 32 Thrasher Road wants to know where we stand.

Mr. Thompson outlined the process of the committee.

Mr. Guimond said we never talked about opening gates. We talked about connectivity for public safety.

Laurie Roberts said they had a tree come down on Columbus Road in a storm and the neighborhood came together to cut the tree and open the road.

Dan Roberts asked how can we keep motor vehicles off the sidewalks.

Mr. Thompson suggested they can call the police on that.

The public comment was closed.

Mr. Guimond wanted it on the record that we have a quorum even if we do not count Ms. Jordan and Ms. Lennon.

Conversation with: Peter Gleeson, Fire Chief

When asked on his views about connectivity, Chief Gleeson said he is not opposed to the gates, but would like to see an easier way to get through them. Now we have to stop and get out and unlock the gate. He would like automatic gates especially on Jordan Farm Road. There are two gates there.

Ms. O'Meara said she needs to point out that not everything we have heard is factually accurate. The biggest problem with Columbus Road is that it is a wide flat straight road. The same is true of Broad Cove Road, where there are also speeding complaints and also a gate on Jordan Farm Rd. The speeding is not because it is a cut through, but because the road is designed for people to drive quickly. Columbus Road was due to get improved when the neighborhood devised the referendum and those improvements were never made. There was a traffic study that showed that it was not going to be a cut through because it was too indirect and too many stop signs.

Ms. Lennon noted that it is very difficult to overturn a town wide vote.

There was a further discussion about increased traffic and its effects and the connectivity problem.

Chief Gleeson spoke about the difficulty of finding volunteers. Many of the neighborhoods in Cape Elizabeth do not have a single volunteer on the Fire Department. Most of the volunteers live in South Portland. They can't afford to live in Cape Elizabeth. In the past 8 years, they have changed from an all volunteer rescue company to a per diem staff.

The Fire Department is divided into 5 companies, 2 fire companies, one in the Town Center Station and one in the Cape Cottage Station. There is a Water Extrication Team, a Fire Police Unit, who control the traffic at the scene of a fire.

He spoke about the training and equipment needed to be a firefighter and the extensive training that is needed to become an EMT or paramedic. Almost all the paramedics work full time for another town. Only one lives in town.

At times they have to pay people to be on call so they can be sure they will have the fire truck staffed. Being a fireman means you never know when you will have to go out, and for how long. Cape Elizabeth is the only town around that does not have a full time staff.

The modern house has many toxins and when it burns, it burns hotter and faster. The Chief believes sprinklers should be in every house. They slow the fire. Residential sprinklers save property and lives.

Chief Gleeson spoke about the needs of the Fire Department. The Cape Cottage station was built in the 1930's and parking is a problem there. There is a need to replace apparatus. The newest fire truck is 14 years old and the oldest is 25. He would like to have a ladder truck with a pumper on it. They have 2 ambulances and those need to be replaced every 10-15 years. His priorities are staffing, equipment replacement and facility. They charge \$650 for every ambulance call.

As for the town roads, they are fine for his needs. The water supply is an issue. They are slowly getting things updated.

#### Public Opinion Survey

A presentation on the results has been postponed to January 3, 2018, because Mr. Myers was not able to attend.

#### Housing Chapter second review

Ms. Goodspeed was interested in the housing projections on page 12. She wondered if the number of units needed should be decreased because we have already got 64 units approved.

After a brief discussion, it was decided to lower the number of units needed from 176 to 112.

Ms. Lennon asked about monitoring infill so the neighbors do not think it is intrusive.

Ms. O'Meara said no matter how you put it, the neighbors always think it is intrusive. It is not infill on your lot, but someone else's property.

There was a discussion of the fact that it would be unpopular and that the adoption of smaller lots could have design standards, size limits and other limits.

In response to a question about why to consider infill lots, Ms. O'Meara said infill development does not require the town to build new roads or other services. Most of the time those are already in place. The Town benefits by increasing the tax revenues with almost no cost in town services. The hope is that infill will take some of the pressure from new greenfields development.

Mr. Curry noted that this is intended to increase the affordable housing stock, so there could be restrictions on these lots to make them permanently affordable. No change to the draft regarding infill lots was proposed.

Ms. O'Meara spoke about the memo she had drafted. She said there is a limit on what the private sector can bear in terms of the costs for affordable housing. She has said the Committee might consider an approach that has the Town contributing to that cost by sharing the cost of the affordable units through infrastructure costs or however they may structure it. She feels that the town is becoming less and less affordable and more affordable housing is a need, especially for seniors.

Mr. Curry wondered if the town could reduce the taxes on a unit.

Ms. O'Meara said that under the State Constitution, all property has to be assessed at fair market value, but if you make it affordable you can only be taxed at the level it can be sold.

Ms. Jordan considers this a progressive idea. HUD or other funds could help accomplish this. She feels that this could be an idea to be researched.

There was further discussion about how to work with this idea. Ms. O'Meara reminded the Committee that the recommendations must be specific, not vague. The topic of funding this idea by raising taxes was raised.

The Committee voted 2-3 against adopting this draft memo.

The committee voted 5-0 in favor of leaving in the recommendation to consider Cottage Housing development. There was no discussion on this item.

The Committee voted 4-1 to approve the draft Housing Chapter.

## Transportation Chapter second review

Several Committee members said they have noticed a lot of public comment on this chapter. The sidewalks have generated a lot of comments, that the public wants more sidewalks. Mr. Guimond said that people have said how nice the Shore Road sidewalk is and want that in other parts of town, especially Mitchell Road and Fowler Road.

Ms. Lennon asked if you can just paint bike lanes on a road, like in Portland?

Ms. O'Meara said there are rules about adding bike lanes and Portland went through a long process to add them.

Ms. Hubbs wanted to talk about the intersection of Route 77, Scott Dyer Road and Shore Road. She would like to make that intersection safer for kids by slowing down the traffic.

Ms. O'Meara said that Route 77 is a State Road. We cannot do anything to it without the permission of the Maine Department of Transportation.

There were many suggestions from members of the Committee on how they would like to improve Route 77 to slow traffic. Ms. O'Meara repeated that the Maine Department of Transportation must approve any changes to Route 77.

Mr. Guimond wants to add language that the Committee recommends traffic calming measures, sidewalks and bikeways on Fowler Road, Route 77, Mitchell Road, Spurwink Road, Broad Cove Road, Oakhurst Road and Two Lights Road.

Ms. O'Meara reviewed the process that has gone on about considering the redesign of the corner of Route 77, Scott Dyer and Shore Road.

Ms. Goodspeed wanted to discuss Goal 1, Recommendation 1. A lengthy discussion ensued about how to word the recommendation and whether or not to include a revision of Sec. 19-7-16 of the Zoning Ordinance.

The Committee voted 4-1 to have the Recommendation 1 read:  
Promote connectivity between neighborhoods when necessary to support public safety.

The Committee voted 5-0 to approve the draft Transportation Chapter.

## Public Participation

Ms. O'Meara asked for volunteers for the community group presentations. She had several groups lined up with dates that they would like to hear a presentation. She is still waiting for some more groups to line up their dates and will be looking for volunteers at the next meeting.

She needs a volunteer for the next online forum question.

The Public Forum will be January 25 and Ms. Colby-George will be here for the January 3 meeting to help with preparation.

## Public Comment

Chris Straw of 597 Shore Road would like to have these meetings videotaped so he can keep up with what is happening here. He does not want to lose his voice as a citizen of the town. He said that these are drafts, but you need to own up to what is in them. If you don't agree with it, push back. This is your document. He is going to critique, but he will be fair.

Becky Fernald wonders if there is a map of the infill lots. She would like to see where these lots are located. (She was told that it is available online in last month's packet).

Paul Seidman of 21 Oakview Drive asked them to please don't stereotype the public as all feeling one way. 1. It is not the case that anybody doesn't want any development. 2. Please don't frame support from the public as giving into political pressure. 3. If somebody comes here, such as Chris, and clearly explains that the study is flawed, please show them serious regard.

## Next Meeting

Wednesday January 3, 2018. Items on the agenda are expected to include:

Police Chief  
Survey results  
Public Forum preparation  
Public Facilities Chapter

The Committee voted unanimously to adjourn at 10:20 pm.

Respectfully submitted,

Hiromi Dolliver  
Minutes Secretary