

Comments from Loomio Discussion as of 10/05/2017:

Are we going to be asked: "Do you like what's happening in town, re: multiplex development?" I think it's a very important question and if not asked, how can it be answered?

In the Housing chapter there is a call for 375 units over a whole bunch of years. There is language in the chapter about 'mandates' and 'requirements'. I just want us to be clear: the State has no such mandates or requirements of us or any other town. They only dictate building codes. I found the chapter extremely confusing on that and other points.

Here's another: 375 new units are recommended between now and 2034, or 188 units per decade. The Chapter's projections are coming from one source (Maine Office of Policy Management). I found different stats on Maine.gov: Every five-year period from '04 - '34, the same span referenced in the chapter, growth is projected to drop about half a percent every 5 years, from about 1.9% growth in '14 to -.1% in '34 [--- that's a minus].

If you read the chapter and come away with a sense one type of housing is required, or x number of units are needed as if carved into the stone of our future, just remember--that is not the case. The current draft of the Comp Plan also makes it seem like we must offer specific housing to specific groups. That's not possible or legal; you can't build and say, "this is for our seniors" especially when most of the housing is bought by non-Capers. The current draft has many unproven, data-less assumptions about what is 'needed'. Question them if you see them in future chapters, and this one.

[Source:

<http://maine.gov/economist/projections/pub/MaineCityTownPopulationProjections2034.pdf>

The interesting question is, does Cape Elizabeth want to continue being a great place for multi-generational families to create a community, or does it want to become a vacation spot and summer home center? These are two very different places.

As a baby boomer, I am looking for a walkable community where people of all ages congregate and interact. My young relatives are also migrating to places where their daily life is not car-dependent. I suspect this phenomenon isn't limited to my family, but is part of a broad demographic/cultural shift. As a result, the retail industry is trending to small shops in small neighborhood centers -- e.g. Rosemont Market. These business people can see what's coming, and are positioning to take advantage of it.

To that end, it would seem prudent for the town to establish tax, regulation, and zoning policies that would encourage dense, multi-use buildings within no more than 1 mile of the commercial center (a walkable distance). Outside the 1-mile radius, the single-family residential, agricultural, and conservation lands should also be preserved with appropriate policies. Where (if) pressure to build additional housing develops in a residential zone, clusters of small houses surrounded by open land could be favored, to combat large-lot sprawl.

It would be interesting to track whether short-term rentals and seasonal residents continue to increase, and evaluate whether these property owners are having any negative effects. My neighborhood has already become about 1/3 short-term rental or seasonal.

If vacation rental properties and seasonal homes crowd out families, the student population will continue to decline -- where is the tipping point at which school system quality declines as well? Allowing a small apartment in single family homes is an intriguing idea, not only for a family member,

but for an income-supplementing rental unit. That would be one way to use a large home's excess space to support both local families and the tourism industry. Policies that encourage this while limiting whole-house vacation rentals may be necessary -- IF Cape wants to favor multi-generational, year-round residents.

If it would rather take advantage of tourist dollars, well. That's a whole other thing.

Hi, Mary. I love how succinctly you described what you are looking for and what we can do to encourage that. What you have described is exactly what I would like to see as well -- denser walkable areas emphasizing and encouraging local shops/markets/cafes, with less dense areas elsewhere where we preserve sfr/ag/conservation. I think your vision/plan is spot on!

To Paul Seidman (aka pony) - Thank you for your comments.

You mentioned "There is language in the chapter about 'mandates' and 'requirements'. I just want us to be clear: the State has no such mandates or requirements of us or any other town." This is not correct. The Maine Growth Management Act is where you will find the State requirements.
[.http://legislature.maine.gov/statutes/30-A/title30-Asec4312.html](http://legislature.maine.gov/statutes/30-A/title30-Asec4312.html)

In regards to future growth predictions mentioned in the report your referenced from the Maine Office of Policy Management, they did note "town population projections must be interpreted with caution. They are based on assumptions and past trends that may or may not hold into the future." I think this is good advice.

As to your comment "The current draft of the Comp Plan also makes it seem like we must offer specific housing to specific groups. That's not possible or legal", I would once again point you to the Maine Growth Management Act (Title 30-A section 4312) for clarification. Specifically State Goal D - "To encourage and promote affordable, decent housing opportunities for all Maine citizens" .

As this week's moderator, I look forward to comments on the Housing Chapter, but felt it was necessary to clarify any comments the Comprehensive Plan Committee is acting illegally and without direction.

To all that read this comment, to learn more about Comprehensive Planning, please follow this link for an in-depth explanation:

https://www1.maine.gov/dacf/municipalplanning/docs/2005manual_lowres.pdf

Mary,

Glad to let you know your comments on the Town Center and the idea of clustering homes surrounded by open space resonates with Town Council actions. CE has adopted Open-Space Zoning (Section 19-7-2), and the Town Center Plan that promotes your ideas.

https://www.capeelizabeth.com/government/rules_regs/masterplans/2014%20TC%20Plan%20approved%2010-6-2014.pdf

As to your original question "does Cape Elizabeth want to continue being a great place for multi-generational families to create a community, or does it want to become a vacation spot and summer home center?", I think this is a great question and would be interested in knowing what others are thinking.

Thanks for your comments.

Stable multi-generational community over vacation spot/summer home center, definitely. I'm not sure how you'd prevent people from owning a summer home, but I'd be in favor of some sort of regulation limiting short term rentals of entire residential properties, to discourage speculative development intended only for the airbnb market.

Hi Victoria. Thanks for moderating this chapter and the next on housing as well.

Referring to the quote you posted above, the State definition and calculation of affordable is very painful term to many of us. I hope the Comp Plan encourages the Town to create a new definition of affordable that is *truly affordable* if a goal is to make us friendlier to young families, working folks, and retired people. 10% of a new complex isn't even close to sufficient, in my view. With our new condos being sold for half a million, who would even think to look in the same complex for something 'affordable'? <http://cottagebrookhomes.com/index.php/team/> I am eager to see what the cost is for units set aside to allow for diversification. Within my condo complex, none of the elderly nor a young family with an adorable baby (REALLY adorable), would be able to afford to move into any new condos being built here. That to me is one face of a housing crisis in Cape.

On the first point, I wrote: "the State has no such mandates or requirements of us or any other town. They only dictate building codes." So we're in full agreement there. I was referencing this statement in the draft of the chapter that may give the appearance of a mandate or something we must do as if required: "the Town will need to add about 375 units 23 by 2035." I hope such figures are not presented in the final draft in such a way that one may easily misconstrue them as something we have to accomplish; I'm glad to know there is no such requirement to build x number of units in Cape.

I sincerely thank you and the rest of the Committee for so actively welcoming the public to participate in shaping the new plan and, from the document you recommended, (B) "manage future development... with a maximum of local initiative and flexibility" and (G) "[encouraging] the widest possible involvement by the citizens of each municipality in all aspects of the planning and implementation process, in order to ensure that the plans developed by municipalities have had the benefit of citizen input." It has been so heartening to hear this expressed as a core concern of the Committee.

To Paul Seidman (aka pony)

To clarify (to you and those that are reading our posts), we are not in agreement on your point that "the State has no such mandates or requirements of us or any other town." As I noted before, you are incorrect. Please go back and reread my earlier reply. The Maine Growth Management Act is the State mandate that requires the Town to update its Comprehensive Plan.

As for projecting the rate of growth, again we are not in agreement. The Town does need to estimate the rate of growth in order to manage the growth.

Your comments on affordability, and the town's mandatory affordable housing requirements are separate issues and should be addressed separately.

So, I would be interested in knowing what you propose as affordable for low-income and moderate-income households based on your comment that " the State definition and calculation of affordable is very painful term to many of us. I hope the Comp Plan encourages the Town to create a new definition of affordable that is truly affordable". The Town's definition is based on the State Planning Office and Greater Portland Council of Governments definition, both of which I believe are using HUD's calculations of Area Median Income to determine affordability. Your input on a new housing affordability definition for low-income and moderate-income households would give us a starting point for discussion.

Also, I would be interested in knowing how you would approach inclusionary zoning for low and moderate income households in our major subdivisions (you stated; "10% of a new complex isn't even close to sufficient, in my view."). Once again, your input on how you would change the Town's mandatory affordable housing ordinance would be a starting point for discussion.

"With our new condos being sold for half a million, who would even think to look in the same complex for something 'affordable'- Good question. The developer is required to advertise the affordable units as low-income or moderate-income units for sale.

"I am eager to see what the cost is for units set aside to allow for diversification." The answer to that question is, an affordable home ownership unit for a low-income household is currently \$218,374, and \$327,561 for a moderate-income household.

As always, I look forward to your input, especially your thoughts on the topic of affordability. What I'm referring to is my conversation with the person who oversees this from Augusta. I spoke with him recently and asked him explicitly, "Does the State require any particular number of homes or housing units to be built in a town--in any specific town or in towns or cities generally? Such as within a given period of time--a decade or two, for example." He said, very clearly, "No." He continued that the State has no such requirements and does not put such impositions on any town or city. He told me, What the State requires is that all municipalities follow Housing Code laws. His answer was not at all ambiguous. It is for that reason I am requesting the language in the chapter not be in any way misleading on this point. [UPDATE: I spoke more at length with someone else in Augusta and he too definitively said "No" to the same inquiry.]

In what you linked me to, I see no such mandates for housing numbers. There are considerations and calls to pay attention to various things, but no mandates at all beyond the creation of a Comp Plan. I certainly welcome you to copy and paste the passage that contradicts what the State employee[s] told me about numbers of housing units. (I am fully capable of misreading or plain ol' missing something in text, evidenced above!)

On the Affordability matter, I could pull some figures together--and thank you for asking for concrete info as I know that is ultimately what you must contend with as you and the other Committee members deliberate these things among yourselves and arrive at recommendations to the Council.

I could only afford to move here due to the economic collapse, in 2009 buying a home for \$160,000, with an \$8,000 rebate for being a first-time home buyer. A thirty-year Portlander, I couldn't find anything there for that price, and things have only gotten far, far worse for potential homeowners and renters in Portland and here since then. (I feel so incredibly blessed things worked out as they did for me then. It was a long ago dream come true. I was dumbfounded to find out I could afford Cape but not Portland, although whatever 'only wealthy people can live here' bias I held, it was quickly unraveled as I met neighbors and made friends.) To get into specific figures--again, I'm glad you are wanting them--I will consult with fully employed folks and ask them what they could afford so the figure is grounded in real people's lives, not an abstracted computation or calculation that is not realistic. You deserve a better answer than what I've given here and I will work to provide you with a better one soon within this thread. Your thoroughness and thoughtfulness is always appreciated by me, Victoria.

Victoria-will you clarify for me, how many moderate or low income housing units will be included in the Maxwell Woods Development that was recently approved? It may have been in the draft but perhaps I missed it. I agree with the two goals stated at the end of the Chapter. And I think waiving or reducing fees for low-income, affordable housing units could be a great way to increase a developer's interest.

What follows is a more complete response, Victoria:

First, to consider cooperative housing arrangements which can take many forms: apartments, condos, and more. The business model (limited equity housing cooperative development) has been around a very long time and has been shown to not only work, but be far more compassionate and fair to people, allowing them to control their own housing costs and manage rates of increase thus not being forced out of their homes in tough economic times; everyone profits in a sense. My great aunts lived in cooperative housing from the '1920s-'80s. It is re-emerging as a trend, worthy of serious conversation. For more, see here: <https://www.nasco.coop/development/handbook/equity>

But back to the other model: If Cape's median income is \$100,000 (approx.) and that affords a home costing \$350,000, what I'm considering is people who earn \$60,000, not 80g or 100g. That would mean homes priced at \$210,000. Most people cannot afford such a home, but I think people in the real world beyond State calculations would consider such a price generally affordable. Wealthier people might consider it 'a steal' while poorer people may consider it out of reach. But if we're not just wanting a wealthy population, clearly something has to give. \$350,000 - \$500,000 to most folks is plain ol' unaffordable. I get why most developers don't want to build units for that sale price and the town has many things to consider--obviously this is a complex jigsaw puzzle of conflicting interests, values, and visions. Potentially incompatible recommendations may emerge but so too may complimentary and collaborative ones. [Source: <http://www.mainehousing.org/docs/default-source/policy-research/housing-facts/2016/cumberlandcounty2016.pdf?sfvrsn=6>]

Like you and the others on the Committee, I want the base of decisions to be derived from what people here most want and value. If *a* is prioritized, then maybe *b* and *c* emerge as recommendations. If *x* is prioritized, perhaps *y* and *z* are proposed. We still need to know what those top priorities are, both holistically and specifically, and then get creative about those while integrating the rest. But I hope you will look into cooperative housing options that would make sense here, and that would also dovetail with other priorities that you see emerging from public input and group discussion. I can look into someone coming to speak with you about the concept and reality if that would be of value to the Committee. Truly: thank you for asking.

Michelle

Thanks for joining the conversation. I have asked the Town Planner to respond to your request for information in regards to Maxwell Woods as the Planning Board has not yet taken their final vote on the project, and because I am a member of the Planning Board, I cannot have any discussions of a pending item outside of a public meeting.

Waiving or reducing fees on affordable units is one example of developer incentives. CE has a mandatory affordability requirement, so incentives are not needed to require the development of a certain percentage of either low or moderate income units throughout a project. Based on the data in the housing and population chapters, what are your thoughts on the housing needs in Cape Elizabeth? You mentioned low-income affordable housing -Does the town need more affordable housing; less; or are we right on target?

Looking forward to your comments, and hearing from others.

to Paul Seidman (the pony),

Your post from Thursday helped me understand your concerns on perceived State mandates on building housing units. To clarify, the State does not mandate nor does the Comprehensive Plan indicate any mandate by the State on the creation of a certain number of housing units. The State does require cities and towns to conduct a population trend analysis as part of their comprehensive planning. Perhaps the paragraph devoted to Housing Projections (i.e. the population trend analysis) was misconstrued as a mandate to build the projected needed units? You indicate this paragraph is misleading- I can bring this to the Committee's attention in case anyone else is misinterpreting its meaning.

As always, your comments and concerns are welcomed.

That is really all I could ask, Victoria, and would appreciate you mentioning it in a meeting as a possible point of confusion or likely misinterpretation. (It really could just be me!!) May I say: GREAT job moderating here. :)

Hi, this is the Town Planner Maureen O'Meara. I have been asked to provide information about the proposed affordable housing in the Maxwell Woods development. Maxwell Woods is proposing 2 low-income condos to meet the requirement. Just to review, the Town of Cape Elizabeth has adopted (1992) a Mandatory Affordable Housing requirement. At least 10% of a major development (More than 5 lots/units) must be affordable to moderate-income households or 5% affordable to low-income households. Low income is defined as housing affordable to households with an income of 50%-80% of the median income of the Portland area. Moderate income is defined as housing affordable to households with an income of 80% -120% of the median income of the Portland area. Currently, low-income does not exceed \$61,450 with a maximum home price of \$214,913. Moderate income does not exceed \$92,175 with a maximum home price of \$322,369. Affordability numbers are updated with assistance from the Maine Housing Authority with guidance from HUD. Affordable units must be made permanently affordable with provisions recorded with the deed to the property. Thanks Victoria and Maureen for clarifying. It seems, to me, that if the town has already adopted a Mandatory Affordable Housing requirement, then that requirement would be sufficient. If we have long term residents who struggle with increased taxes once they are living on a fixed income, perhaps there are other avenues to help keep those residents here in town in their home.

Michelle,

Cape's Mandatory Affordable Housing only applies to dwelling units for sale. It does not apply to dwelling units for rent. Do you think CE should encourage rental units? If yes, how would that be done. Should a percentage of rental units be affordable?

What are your thoughts on producing a variety of housing options for seniors or anyone that wishes to remain in town but cannot afford their current home due to a lifestyle change or find their current home too large for their changing needs? Do residents support in-fill on smaller lots for smaller homes? Do you support a small building with a small number of homeownership units (i.e. condos) on a proportionally sized lot?

What are your thoughts on the maximum sale price of a low-income home (\$214,913); is this too high, low, or just right?

What about a moderate-income home (\$322,369)- too high, low, or just right?

I would love to hear your thoughts along with the rest of the community on opportunities for the town on housing.

I am enjoying this forum very much, thank you for it's development.

Two quotes come to mind- "if you build it, they will come" and "if it ain't broke don't fix it". We live on some of the most beautiful real estate in southern Maine, and the town does a great job maintaining their areas of responsibility. Improvements to our infrastructure is what will encourage creative housing investments. High speed internet, cell phone coverage, and walking/bike lanes on our roads is where our opportunities exist. Housing affordability is dictated by the market and not where our resources should be involved beyond existing policy.

-Rentals: Limit the number of short-term rental units in any particular area, but allow rental units with annual leases, at market pricing. Allow large existing houses to be divided into smaller rental units or condos.

-New Housing Options: Within 1

Hi Victoria and Maureen. Something I just don't know the answer to, re: "Currently, low-income does not exceed \$61,450 with a maximum home price of approx. \$214,913."

In the last five or so years, how many newly built homes were purchased in Cape for approximately \$214,913? Even though I sometimes check home sales in the Courier, I just have no idea but am curious. And a follow-up: how many were set aside as part of a larger development to be sold at that price (not the moderate income price of approx. \$322,369), whether or not they eventually did?

B. Cary- thanks for joining the conversation. Your comments are very welcomed.

Paul- I don't have the data on dwelling units built within the last 5 years that sold for \$214,913 or less or the data on how many low-income units were sold as part of a major subdivision. Perhaps the Town Assessor could help as housing sales are not compiled by Planning Departments.

Victoria - thank you for that guidance. That makes sense. I'll check in with the Assessor.

Heidi Neumann Hansen · These are good ideas and comments. More sidewalks would be great. It was interesting to read last week of Falmouth's proposed moratorium on its housing development plan. What can we learn from their plan and the reaction to it once the building started?