

TOWN OF CAPE ELIZABETH  
MINUTES OF THE COMPREHENSIVE PLANNING COMMITTEE  
PUBLIC FORUM

June 15, 2006

7:00 P.M. Council Chamber

Members Present: Barbara Schenkel, Chair

Julia Beckett

Robert Dodd

David Griffin

John Herrick

Mary Ann Lynch

Elaine Moloney

Skip Murray

Marybeth Richardson

Frank Strout

Anne Swift-Kayatta

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel opened the forum by welcoming those in attendance. She emphasized that the plan is still in draft form and will be revised further. She encouraged the attendees to keep their comments coming, because feedback from residents is helpful for the Committee's task. She said all of the Committee's work is on the Town website. All residents are welcome to attend the meetings, and the schedule is published on the website. There are thirteen chapters in the final Plan, and seven of the chapters have been reviewed and are the subject of tonight's forum. There will be another Public Forum later in the process. And the Committee wants to know what the residents think. All the comments, either by email, or post, go to Ms. O'Meara and then to the entire Committee. The committee expects to have the Comprehensive Plan completed by February, 2007.

Mrs. Schenkel then outlined the format for tonight's Forum. First the Committee would outline each of the chapters which have been discussed to date. ( Large posters of each chapter's goals were displayed along the wall of the chamber.) Then after that review, it would be time for public comment on any or all the chapters.

ECONOMY

Mr. Murray presented the overview of the economy goals for the Town Center. He said the overall goal was to promote more business, by encouraging more mixed-use buildings. The plan is to have commercial use on the first floor at street level, and use the upper floors for residential use. This promotes a greater population base for business in the Town Center. Sidewalks are already required in the zone, and that will continue to be a requirement for building in that zone. He emphasized that the goal is to foster growth of business in this area by allowing mixed-use buildings.

Mrs. Swift-Kayatta presented the section on the goal for the Neighborhood Business Districts. She outlined the current zones, Business A, (BA) and Business B, (BB). The BA district is on Shore Road by the Cookie Jar and the shops around it. The other BA is on Route 77 by the Agway store and the Good Table Restaurant. The BB districts are on

Route 77 at the Inn By the Sea, and on Fowler Road at the gravel pit. The goal of the Committee is to update the Zoning Ordinance to create Neighborhood Business Districts in place of the existing districts. The goal is to create neighborhood-scale zoning districts with design standards for small scale businesses. The idea is to create smaller setbacks and reduce parking requirements from the current levels. In this district, mixed-use buildings will be encouraged to increase density and yet restrict commercial use to the first floor.

The Committee also recommends reducing the current 250 ft wetland buffer to 100 ft in this Neighborhood Business District.

The goal for In-home businesses is to try to balance business and residential use, and continue to allow home businesses and day care in all districts. The goal is to focus business development in the established business districts, and avoid creating new ones.

## HOUSING

Ms. Lynch presented the committee's goals on Housing. She said that 93% of the homes in Cape Elizabeth are single family, with only 7% multi-family units. It is proposed that multi-family housing be permitted in business districts. The Committee is proposing a goal to give a density bonus to housing built for people 55 and older. The current ordinances addressing mobile homes and Accessory Dwelling Units shall be kept in place as they are.

The goals of the Affordable Housing section are to retain the mandatory inclusion provided in the current ordinance. Currently, all the new construction is of large single family "McMansions" which do not allow the "average worker" earning \$50,000 to \$60,000 per year to live in the town. This forces the elderly and the town workers such as firemen and policemen to live out of town. In order to retain these people as town residents, the Committee has proposed increased density in some areas, such as building a "McMansion" which looks like all the others in the neighborhood, but is, in fact a multi-family unit of perhaps four apartments. The proposal of the Committee is to create an overlay district within the public sewer district that will allow an apartment house within a single family development. In order to facilitate the construction of affordable housing, town fees, such as building permits, sewer connection and street opening could be waived for such units.

## RECREATION AND OPEN SPACE

Mr. Herrick presented the goals for the open space and recreation. The first goal is to maintain the ratio of 118 acres/1000 population. According to Mr. Herrick this is a great increase from the past, and a desirable and valued resource for the Town. One of the ways to implement this goal is to continue to require 40% of new development to be retained as open space. It is desired that those open spaces connect with other neighborhoods as much as possible. Another goal is to partner with others, such as the Federal, State, or local Land Trust to purchase or develop open spaces. The easement for

Crescent Beach will be up for renewal or re-negotiation in 2010, since the existing lease will expire in that year.

The second major goal of the Committee is to implement the Master Plan covering Fort Williams, Gull Crest, Winnock Woods, and the Green Belt. Volunteer efforts, such as Trails Day, neighborhood associations, Scouts and student volunteers will be utilized in this task. Grant funding will be sought to help with the purchase of materials, and other needs consistent with the Master Plan.

Mrs. Moloney then presented the goals for Community Services. She began by saying that Community Services were rated very highly in the survey that was conducted at the beginning of the Committee's work. The existing fields and public facilities are very heavily used, and therefore have no time to regenerate between uses. There is a need for more facilities because multiple groups use the fields, gyms and other recreational areas.

### TRANSPORTATION

Mr. Griffin introduced the transportation portion of the report. He noted that there is very limited public transportation in the Town. There is a regional bus service for the elderly and handicapped, but no regularly scheduled public transportation. He said the goal of the Committee is to provide a safe transportation system within the Town.

Ms. Beckett then reviewed the portions of the goal as relating to the safe transportation system. It is proposed that Spurwink Avenue will be reconstructed from Deer Run to Bowery Beach Rd. A traffic light is proposed for the intersection of Route 77 with Shore Road and Scott Dyer Road. A survey of the traffic in the Town has illustrated that no place qualifies as congested. Traffic calming measures will be recommended only as needed. The topic of connectivity will be re-visited now that the Town Council has made its determination on the subject.

Ms. Beckett restated that public transportation is very limited in the Town. There is the Regional Transportation Program available to the elderly and handicapped. Community Services also has a shuttle for the use of elderly and handicapped residents.

Mr. Griffin then covered the section on sidewalks and bikeways. He talked about the Greenbelt Plan and the Master Plan. And the Committee's goal is to keep the maintenance of the existing paths and walkways. The current policy is to construct sidewalks in the Town Center, and on one side of the street with an esplanade in new developments.

The Shore Road path has been discussed in the past and the talks have always been about extending the roadway to accommodate the bikeway. The Committee is proposing an off-road path which would parallel Shore Road, but not be right on the roadbed.

## MARINE RESOURCES

Mr. Strout presented the goals for the Marine Resources chapter. There are 104 moorings in the Town. Of that total, 29 are commercial moorings. The goal is to give priority to commercial fishing, then recreational boating. Kettle Cove's boat ramp is to be for commercial fishing only, and a study is proposed to evaluate the possibility of an additional boat ramp for recreation. It is the goal of the Committee that there be deeded access to shell fishing beds at the shore.

## WATER RESOURCES

Mr. Dodd was the presenter of the Water Resources Goal. Since Cape Elizabeth has strict rules for protecting shoreland and watersheds, it is the desire of the Committee to retain the zoning already in place and to update it as needed when the State modifies their regulations. The Town wishes to remain at least as strict, or stricter, than the State protections. The current setbacks should be retained, because it is a good idea to keep what works. The Great Pond Watershed District should be retained, and the goal is to become pro-active about education in the Town about the buffering requirements in all the Shoreland and wetland areas. Currently, notice only comes after someone has already removed vegetation in the buffer areas and then the damage has already been done. With more education about the buffer zones, it is hoped that those removals of vegetation will be less frequent.

Overboard discharges were defined as wastewater which has been treated, but not processed through a leach field. The committee will be reviewing more information regarding these and considering a recommendation to eliminate them.

Since many small streams and ponds have no names, it is a goal to name all such bodies of water in the Town.

On the topic of water quality testing, it is desired to expand to town-wide testing, with particular attention to the Great Pond area.

Mr. Dodd emphasized that the recommendations are still in draft form.

## CRITICAL NATURAL RESOURCES

Mrs. Richardson talked about the critical natural resources. There are significant wildlife and plant habitats within the Town. It is recommended that growth should be directed away from these habitats. The existing local regulations are fairly effective at protecting these areas, and should be kept in place and updated as needed. Critical areas include sandy and coastal islands, estuaries, and scenic areas. Since the State has recently passed regulations to protect vernal pools, the committee has discussed undertaking an inventory of such pools in order to comply with this new law.

## PUBLIC COMMENT AND QUESTIONS

Mrs. Schenkel once again told the residents present that the Committee welcomes their comments and questions. She requested comments to be first and questions to come after the commentary.

Ms. Lee Wilson, of 82 Two Lights Road, offered a comment about the economy. She likes what she sees of the work so far, and had an addition she would like to make. Her mother has purchased the property across from the Cookie Jar, which lies along and across from other businesses, but is not in a business zone. She requested that the Committee consider the “rounding out” of the existing business zone to include that property.

Mr. Peter Cotter, of 21 Ocean House Road, also had a comment about the economy. He noted that there is an existing area of businesses along Spurwink Road and Route 77. This area includes Maxwell Farm, Walnut Hill Stables, The Mormon Church and the Medical Services building. He requested that this district be allowed to be recognized and, perhaps expanded. He noted that all these businesses are supported by Cape Elizabeth residents.

He claims that Cape Elizabeth has failed on affordable housing. The elderly can't downsize here now. You can't bring your kids back here to live. It's too expensive. He says there is supposed to be wetlands protection, but Trout Brook is not being protected. He has lived near Trout Brook for many years and is watching its quality deteriorate.

He wants housing for the elderly and young adults.

Mr. Tom Egan, of 41 Hannaford Cove Road, is concerned about critical natural resources. The chapter on Natural Resources recited all the good things, but not what doesn't work. He cited a RP-1 District which is cut in two because of a “throat” of a 100' stream in the middle. It should all be one system, but because it is cut in two by the 100' stream it is now RP-2.

On the issue of transportation, he wants more bikeways. He would like the Town to encourage the State to re-pave Route 77 and the shoulders for bicycles. It is very rough going now. The shoulders are very broken up. He wants support for the master plan for bikeways and to amend it to incorporate working with South Portland to develop a bikeway from Cape Elizabeth to the Casco Bay Bridge.

Mr. Egan asked where is education in the Plan? He was told that the Committee has not yet gotten to that topic.

Ms. Kim Moody, of 3 Roberts Lane, thanked the Committee for supporting the trails. She wants to encourage the development of the Gull Crest Trails. She would like to see Phase 2 implemented. It is her view that it is much easier to raise money for such a project if the whole picture is presented.

Ms. Moody agreed with earlier opinions on the issue of ageing, and wants the trails to help keep people active and keep down obesity.

Mr. Ray Shevenel, of 189 Fowler Road, talked about the Gull Crest Trails. He said that he is 65 years old, and wants to remain in good health. Feels the trails are good for all ages. It means that kids don't have to leave the Town to ski, run, etc. These activities are safer when done off-road. Also, the trails are easier on one's joints than a paved surface and offer an opportunity to enjoy the natural beauty of the surroundings while running or walking etc. He urges the Town to "do it right" and include Part B.....

Mr. Michael Constantine, of 39 Ocean House Road, was concerned about the economy in the town. He is a part owner of Walnut Hill Stables. He cited the existing businesses in that area, namely Maxwell's, the Mormon Church and the Spurwink Medical Building. He requested the Committee to reconsider part 3 of Goal 3 in the Economy section. {Avoid new business districts}.

Mr. Constantine believes that having businesses in town brings volunteers for the Fire Department. As a former partner in a local oil company, he found that Town residents were very eager to support locally owned businesses.

On the subject of Marine Resources and Agriculture, he says Cape Elizabeth has seen a 9% decrease in those areas. We are losing fishing and farming. He suggests that allowing farmers to develop other sources of income on their property could help them out. Perhaps they could develop another small business, such as a farm stand or greenhouse. He also requested a re-consideration of the 10 acre requirement a fish and farm market. For example, a greenhouse does not require 10 acres, but is an agricultural business.

Mr. Steve Simonds, of 18 Brentwood Road, said he appreciates the work of the Committee. His concerns are affordable housing and safe biking areas.

He said he does not see a regional context, and Mrs. Schenkel told him that is a future chapter. He would also like to see a timeline or target dates for implementation.

Mr. Gary Beckwith, of 13 Oakwood Road, noted that walking and biking can be real transportation. He feels we need to plan for transportation as well as recreation for our future.

Mr. Peter Rich, of 7 Smugglers Cove Road, is concerned about a safe way to walk to the Town Center. He walks regularly and it is a case of “dodge-car” during the day. He cannot walk to the town center safely now. He wants comfortable and safe walkways.

Ms. Angela Best, of 12 Pond View Road, raised a concern about wetland buffers. She is concerned with the reduction in the wetland buffer to 100’ adjacent to business areas. Even without a wetland, these areas contribute to nature which we should educate ourselves about before we issue permits to build buildings.

Ms. Becky Fernald, of 315 Mitchell Road, was concerned about open space. She wants new developments to be required to make usable open space. She wants the Committee to look at infill development. Mrs. Schenkel informed her that Land Use Goals comes in a later chapter. She wants a healthy balance between development and preservation of natural beauty.

Ms. Fernald also spoke about the economy. She likes the farms, and wishes we could help them. She wants to keep the long-standing tradition of agriculture in this town.

Mr. Richard Bryant, of 55 Spurwink Road, talked about connectivity especially for bike paths and sidewalks. He was concerned about preserving open space and cluster housing. He believes that cluster housing needs to be balanced against saving open space. The lots are so small in clustered housing that you have to clear cut the lot in order to put a house on it. That removes the buffers.

Ms. Holly Hofman, of 42 Columbus Road, spoke about cluster housing being too dense. Cross Hill is an example of a too-dense development. She would like to see less density.

Mr. Dave Roberts, of 3 Roberts Lane, was concerned about bikeways. He said Shore Road is uncomfortable for biking. Oakhurst has lots of people and not a good safe way for kids to get to school on their bikes.

For the Gull Crest area, he addressed the Committee’s goal of partnering with others. He said there is a volunteer group ready to step up and take this project to the next stage. From the volunteer side it hasn’t been encouraged. If you discourage the volunteers, there are fewer people to step up.

Ms. Lee Wilson spoke again and wanted to introduce her consultant to speak more specifically about her project. Mrs. Schenkel informed her that it is not the job of the Committee to review projects or to make specific recommendations on the code.

Mr. Gary Beckwith added his opinion on the Shore Road plan for a bikeway. He feels the separate area is not a good idea for several reasons. It will be hard to get the property owners to agree to the plan and it will not be safe.

Mr. Mike Constantine told the Committee that he was impressed with the survey. He thanked the Committee for all their work. He wants to be sure that small businesses in

neighborhoods, such as plumbers, electricians, etc. have room to grow as their businesses grow. He said Champion Fuel grew because it was local and in town. He claimed that when the business was sold to an out of town owner, the company lost 27% of their business. He says residents support local businesses.

Since there were no more comments or questions, Mrs. Schenkel thanked the residents for their participation and encouraged them to continue to communicate their wishes to the Committee.

The meeting was adjourned at 8:50 pm.

Respectfully submitted,  
Hiromi Dolliver