

TOWN OF CAPE ELIZABETH  
MINUTES OF THE COMPREHENSIVE PLANNING COMMITTEE

September 7, 2006

7:00 P.M. Jordan Conference Room

Members present: Barbara Schenkel, Chair

Julia Beckett

Robert Dodd

John Herrick

Jay Chatmas

Anne Swift-Kayatta

Elaine Moloney

Mary Beth Richardson

Mary Ann Lynch

Frank Strout

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order. The minutes of the August 24, 2006 meeting were amended and unanimously approved.

Correspondence

The Wi-Fi information was mentioned and it was decided to review it along with the final review of the Public Facilities chapter.

Historical and Archeological Resources

Ms. O'Meara introduced this chapter by saying she relied on information from the Maine Historic Preservation Commission. She briefly outlined the settlement of Cape Elizabeth from the trading post established in 1627 on Richmond Island to the more current times. She noted the historic role of Cape Elizabeth in navigational aids, shipbuilding, fishing and farming. At the time in 1895 that South Portland and Cape Elizabeth split into two separate municipalities, Cape Elizabeth was still a very rural area. Almost all of the infrastructure, paved roads, sewers etc., was located in the South Portland portion of that division.

Ms. O'Meara showed the colored version of the map of Archeologically Sensitive areas in Cape Elizabeth and told the Committee that they were not allowed to have more precise information as to where the specific sites are. She and several Committee members noted that almost all the areas are in the Shoreland Zoning District, which would also prohibit development. There was a short discussion of the reasons for the secrecy of the actual sites. It is so the public does not go digging for artifacts in those locations and remove historically significant relics.

On the subject of preservation of historic structures, the question arose as to why the Town is not doing more to protect those buildings. It was noted by Mrs. Swift-Kayatta that there is a lot of resistance by the residents of the Town to restrictions on property owner's rights. A few years ago a Historic Preservation Ordinance was proposed, and it

was vigorously opposed by the residents, and dropped. Mrs. Swift-Kayatta and Ms. Lynch both noted that it is not a top priority item for their constituents.

Ms. O'Meara noted that a typical historical preservation ordinance covers a district in a municipality, and then the entire district is preserved. In Cape Elizabeth it is a matter of individual structures which are of historical significance and when there is an attempt to regulate what each property owner may do with their property, resistance arises.

Ms. O'Meara said she condensed the Historic Structures Survey but she invited the Committee to expand her version if they wished to.

Mrs. Swift-Kayatta noted the second paragraph on page two needed to be amended to include South Portland.

In the fourth paragraph, the word shocked seemed a little strong to the Committee. It was agreed to change that description to surprised.

Ms. Lynch requested a change in the reference to Indians, on page one, to be Native Americans. She also questioned the statements about what men were doing, but no reference to what the women were doing. It was agreed to change the reference to residents instead of men.

Mr. Herrick wondered if the split between Cape Elizabeth and South Portland was really amicable. Ms. O'Meara said she has not done research of the newspapers of that time, but it does seem to have been done amicably.

Mr. Herrick also requested that the Town encourage a professional archeological survey. Other members of the Committee were not much in favor of that idea because they felt the money for that could be much better used in other ideas the Committee has already proposed.

Mrs. Richardson wanted further clarification of the map. She asked Ms. O'Meara to confirm that the areas in orange are prehistoric. The map shows archeologically sensitive areas, and the sites are not pinpointed on the map. The buildings can all be placed on a map, but in order to discourage souvenir hunters, none of the archeological sites can be identified more precisely than the general areas shown on the map.

Mrs. Beckett questioned whether many of the early sites were on the Sprague property. Ms. O'Meara confirmed that Richmond Island, the site of the first settlement, is owned by the Sprague family corporation. Ms. O'Meara also noted that the usual pattern of development is that the first settled area becomes the center of the settled area. An example is Portland, which was first settled on India Street. Cape Elizabeth no longer has a settlement at or near Richmond Island.

On the Implementation Step 1, Mr. Herrick wants to suggest that the Cape Elizabeth Historical Preservation Society look for space in other buildings than just the library.

Ms. Lynch added that maybe the step could say that they need more space-not necessarily in the library.

Mrs. Swift-Kayatta said the idea would be to encourage flexibility, which could even include regionalization.

The Committee agreed to stop the step with saying “Expand the space allotted to the Cape Elizabeth Historical Preservation Society for records preservation and research.”

Re Implementation Step 2, Mr. Herrick wanted a definition of sensitive archeological areas. Ms. O’Meara explained it was as stated in the materials in the packet. Mr. Herrick was concerned that this is an infringement of private property rights. A committee member explained that this does not cover any buildings, just the areas shown on the map.

Ms. Lynch pointed out that it is all basically in the Shoreland Zone. She also feels it is imposing a burden on new development. If they do the survey and find something, then the State steps in with rules.

After a discussion, the Committee concluded that since these restrictions were unlikely to be triggered by an individual adding a deck or putting an addition on their home, only by site plan review or subdivision, it would not be an undue burden. The Committee felt the public benefit of preserving these areas was worthy of support. Implementation Step 2 was amended to add that it was new development undergoing Site Plan or Subdivision Review, located in sensitive archeological areas, as shown on the attached map which would require an archeological survey.

The Goal, as written, and the two Implementation Steps, as amended, were unanimously approved.

### Regional Coordination

The overall goal is to continue to make an effort to consider a regional approach to Town needs whenever possible. There are formal agreements already in effect with other municipalities covering sewer treatment and solid waste disposal. There is a recent contract to share an Animal Control Officer with the City of South Portland. PUC approval of a joint PSAP (Public Safety Answering Point)/E911 (Enhanced 911) with Scarborough and South Portland is still pending.

There was a discussion of the pros and cons of joint operation of the Cape Cottage Fire Station with the City of South Portland. The biggest hurdle seems to be the use of Cape Elizabeth’s on-call fire fighters with South Portland’s professional fire fighters. There is concern that Cape Elizabeth would lose volunteers if they had to stand back during fires.

The discussion then focused on the schools and how they are involved in regionalization. There was some sentiment that the Cape schools should stay as they are. It was pointed out that there is already a regional technical high school, Portland Area Regional Technical High School (PATHS), and Cape Elizabeth is a participant.

Mrs. Schenkel wants to include an implementation step on school sharing of resources.

It was also discussed that Cape Elizabeth is so different from the two surrounding communities, Scarborough and South Portland.

Ms. Lynch wants it stated that it is appropriate not to compromise service. She states that it is important we are organized on a municipal level, not a county level. There is a cost involved in keeping the integrity of a small town.

Mrs. Swift-Kayatta questioned the cost savings in Goal 1. Savings for whom? Since the Town's costs are often lower than those of surrounding area towns, she wants it stated that the savings should be for Cape Elizabeth taxpayers.

Mrs. Moloney questioned if the whole process needed to be solely cost-driven. Couldn't it just be for a service improvement?

Mrs. Swift-Kayatta wants the inclusion of regional transportation planning already in effect with the membership in PACTS (Portland Area Coordinated Transportation System). She also mentioned the WET team. She then talked about Cape Elizabeth's "One Town Concept". She said it is unusual for the municipality and the schools to share such services as a business manager, technology expert and other personnel. Also shared are, snow plowing, buying of supplies, and other maintenance. Mrs. Swift-Kayatta told the Committee that people from other towns often ask for details on the Cape's plan, because they are not sharing across municipal-school areas.

The schools in Cape Elizabeth are part of a regional cooperative for some purchasing and other services. Also, the Greater Portland Council of Governments is an example of a regional organization joined by the Town.

Mr. Dodd suggested another implementation step be added to encourage the ongoing search and implementation of cost savings with regional initiatives.

Ms. Lynch felt we should ensure that regional efforts are considered in forming Town budgets.

Ms. O'Meara will draft these suggestions into the chapter for review at the next meeting.

## Land Use

Ms. O'Meara began the review of this chapter by noting that the building permit data from 1995 through 2005 show a very steady rate of growth. Even the 97 lot subdivision, Cross Hill did not cause a large change in the number of building permits issued in a typical year. She also noted that once a town gets to a certain level of saturation, its growth will decline.

Ms. O'Meara told the Committee she wants to get to an agreed upon number of new buildings by the year 2020. In order to do the build-out exercise proposed for the next meeting there needs to be a number which the Committee has agreed will be a reasonable growth figure. She also told the Committee that Cape Elizabeth is the slowest growing suburb in the Greater Portland area.

There was a discussion of the land held by the Sprague Corporation. In order to sell any of their property every family member must agree to the sale. It must be a unanimous vote. At present there are about forty members of the corporation and that number may grow larger in succeeding generations.

Mr. Strout pointed out that "Hidden Court" is a large parcel with a deed restriction that only allows the land to be divided into four lots, with three already built upon.

Mrs. Swift-Kayatta does not want to approve the number until she has seen the map to be sure it is realistic to build that many units.

Ms. O'Meara said there is enough space to build them regardless of how you configure the spaces.

Mr. Strout informed the Committee that there are 100 homes and 22 house lots currently listed for sale in Cape Elizabeth. He believes it will take three to four years for the market to fully recover again. There are a few spec houses being built at this time. He did agree that during the bust of 1989-1996, the Town still averaged 29 new houses per year.

The map for the build-out exercise will show potentially buildable areas.

The Committee unanimously accepted 405 as the figure for estimated new growth from 2007-2020.

A discussion ensued of what options are available to the Committee for the placement of the 405 new units on the build-out map.

Ms. Lynch wanted to know if we need to take the current lot size as a given or if it is the prerogative of the Committee to make changes.

Ms. O'Meara noted that the Legos used in the exercise will be able to be traded if the Committee wants to make changes in density. The Committee may recommend zoning density changes and Zoning district changes, and they need to be sure there are no conflicts between other sections of the Comprehensive Plan and this Land Use chapter.

In the draft chapter outline, it was suggested that another geographical area might be helpful. Perhaps a Central Cape district could be added to take into account the area around Mitchell Road and all the developments in that area.

Ms. O'Meara noted that the Town has done very well since the last Comprehensive plan by mostly building in the areas that were designated as growth areas.

The discussion then covered a variety of concerns. Open space requirements, Planning Board requirements, tear-downs, setbacks and infill development were all briefly touched upon. It was agreed that infill development is the most sensible way to grow, but the most controversial with the residents.

Mr. Herrick cited a letter from Dan Brown of State Avenue about establishing a park in small neighborhoods.

The response was that the number one priority expressed by the residents of the Town is preservation of natural resources. The Town needs to leave some land left for development. There might also be a trade-off on the availability of affordable housing if the Town requires parks as well as other open space.

Mr. Herrick suggested that Town owned land could be used to make parks that were accessible, not just by trails.

Since there were no members of the public present, there was no public comment.

The meeting was adjourned at 9:25 pm.

Respectfully submitted,  
Hiromi Dolliver