

TOWN OF CAPE ELIZABETH  
MINUTES OF THE COMPREHENSIVE PLANNING COMMITTEE

October 26, 2006

7:00 P.M. Jordan Conference Room

Members present: Barbara Schenkel, Chair  
Frank Strout  
Robert Dodd  
David Griffin  
Jay Chatmas

Skip Murray  
John Herrick  
Mary Ann Lynch

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order. The minutes of the October 19, 2006 meeting were amended and unanimously approved.

Land Use

Mr. Chatmas raised a concern about the waiver provision for lots between 7,500 and 10,000 square feet. He requested that there be standards set for guidance in granting those waivers.

The Committee agreed to discuss that topic later in the meeting when they discuss the goals.

Ms. O'Meara told the Committee that the number of permits for new houses is actually fewer than the numbers we have been using. Because of the difficulty in converting some of the data from the Code Enforcement office, a higher number has been used than is in fact the case. The 375 units projected for the next fifteen years is now down to 365, and may even go lower. The committee agreed that this would be acceptable.

Goal 1

Mr. Herrick began the discussion of the goals by stating that he does not like Implementation steps 1, 2 and 3. He believes current zoning has allowed the Town to grow in a good direction.

Mrs. Schenkel thinks the language in Implementation Step 1 is fuzzy regarding an adjustment of open space requirements.

Ms. O'Meara responded by pointing out that if you do not allow an adjustment of open space you may not be able to increase density. The current open space requirement may conflict with the goal to increase density by 1/3. If you accept the premise that we have to build 350 units by 2020, then we have to choose how we are going to do that.

Mr. Murray noted that we cannot have our cake and eat it too. He feels we need to maximize density to save more of the land.

Mrs. Schenkel said she is troubled by the idea that open space will be less. And by how much less?

Ms. Lynch would like to see a calculation of open space requirements.

Ms. O'Meara will produce a spreadsheet to show those figures.

After more discussion, the Committee agreed to postpone a vote on Implementation Step 1 for now.

Implementation Step 2 was amended by removing the word large as a description of buildings exceeding 5 units. The Committee voted to accept Implementation Step 2, 7 for and 1 against.

Implementation Step 3 was discussed.

Mrs. Schenkel did not like reducing the minimum to a lesser amount. She suggested making them both 3 acres. She wants to keep them consistent.

Mr. Griffin thought a developer might come in with a couple of ideas if it's left open. Not having a minimum might be seen as positive.

Ms. O'Meara suggested taking out the 10 acres completely in the RB District. All the lots in that district are large to begin with, so the Committee could take out that requirement completely.

Ms. Lynch noted that those parcels will still be covered by the density requirements.

It was decided to vote on Implementation Step 3 at the next meeting.

Implementation Step 4 was unanimously accepted.

Implementation Step 5 created a great deal of discussion.

There were suggestions to create a lot size variance, but it was also noted that the criteria for that variance need to be specific. A committee member noted that the State allows lot sizes of 7,500 square feet. In fact, the State has no minimum lot size for lots served by sewers.

There was consideration of the people who had bought extra lots next to their homes for an eventual retirement, and now cannot build on them. And on the other side of that argument it was noted that someone else may have bought a home believing that the lot next door is not a buildable lot.

It was also noted that building on lots in existing neighborhoods eliminates sprawl and is a more efficient use of existing public facilities.

Mrs. Schenkel said if we want to make the lots buildable, we should say so, and not throw it onto the Zoning Board of Appeals to decide.

Since the Town Council requested this Committee to decide whether or not to make these nonconforming lots buildable, the item was put forth for a vote. Shall an appeal provision be created that allows owners of legal nonconforming lots of between 7,500 and 10,000 square feet in size to request that the lot be deemed buildable? The vote was 2 in favor and 6 opposed.

Mrs. Schenkel reiterated that the result of the vote was to make those lots between 7,500 and 10,000 square feet unbuildable. The committee agreed that was their intention.

Goal 2 was the next topic to be discussed.

Ms. Lynch questioned the portion of the text that said the same financial resources were unlikely to be available. It was agreed to change the text to say it is uncertain what financial resources will be available.

Ms. O'Meara noted that instead of the Town purchasing open space it is possible to zone to preserve open space in lieu of cash.

The idea behind Implementation Step 1 is to give the farmer a greater financial reward for saving his land.

The Committee adopted Implementation Step 1 unanimously.

The Committee adopted Implementation Step 2 unanimously.

The Committee adopted Implementation Step 3 unanimously.

Goal 3 did not bring much discussion.

The Committee adopted Implementation Step 1 unanimously.

The Committee adopted Implementation Step 2 unanimously.

Mr. Chatmas requested that the language in the text of Goal 1 be softened. The Committee agreed and the first sentence will now read, "Historically new development is often controversial and often opposed by neighbors and residents".

### Vision Statement

Mrs. Schenkel objected to the length of the draft vision statement. She feels a vision statement should be no longer than one sentence.

Ms. O'Meara invited any of the Committee members to send her their version of a vision statement by email. She and Mrs. Schenkel, and any other Committee member who wishes to be included, will meet to work on the vision statement before the next meeting.

### Priority Setting

Ms. O'Meara explained the spread sheet included in the packets. She is requesting that each Committee Member prioritize their top 20 topics, and their bottom 20, as well. She also wants each person to assign responsibility to carry out each recommendation as well as prioritizing the list. She wants the results returned by the next meeting.

Formatting and chapter order for the final report were discussed. It was agreed to follow the order the State has laid out in their guidelines.

### Agenda

Ms. O'Meara told the Committee that there are only two meetings left to review all 14 chapters before the public forum on January 10, 2007.

It was agreed to re-schedule the public forum to January 25, 2007.

### Citizen Comments

Mr. John Greene said his only comment was concerning critical natural resources. He has sent his comments to Ms. O'Meara by email and she has agreed to incorporate them into the report.

The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Hiromi Dolliver