

TOWN OF CAPE ELIZABETH  
MINUTES OF THE COMPREHENSIVE PLANNING COMMITTEE

November 16, 2006

7:00 P.M. Jordan Conference Room

Members present: Barbara Schenkel, Chair  
Frank Strout  
Julia Beckett  
Elaine Moloney  
Jay Chatmas  
Anne Swift-Kayatta

Skip Murray  
John Herrick  
Mary Ann Lynch  
Marybeth Richardson

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order. The minutes of the October 26, 2006 meeting were accepted and unanimously approved.

Land Use

Mrs. Beckett requested that the zoning districts be defined.

Mrs. Swift-Kayatta agreed that she too would like them defined.

There were several suggestions of minor language changes and typographical errors. After spending some time on these small changes, it was agreed that the Committee's time was better spent in discussing the substantive issues.

The discussion then turned to the goals and implementation steps.

Mr. Herrick said he does not see the value of reducing the lot size from 30,000 square feet to 20,000 square feet in Implementation Step 1.

Mrs. Schenkel responded that it will make land more affordable.

Ms. Lynch added that it was proposed as a way to reduce sprawl and to meet the State's mandate to accommodate growth in the Town.

Mr. Herrick once again noted that he cannot see the value in changing the way it is done now.

Ms. Lynch noted that this will probably be the most controversial proposal in the entire Comprehensive Plan.

Ms. O'Meara said that if you need to build 200 to 300 houses, and you decrease the lot size, you use 1/3 less land to build those houses.

Mr. Herrick said he is against it and he wants to see slow growth. He does not want to see high rise buildings along Route 77.

Mr. Strout noted that the real estate market may dictate how the developments look. He says many buyers don't like cluster developments. The market is very slow for the houses built on small lots.

Mrs. Schenkel said she likes the large lots in the Cranbrook development. She thinks it is the nicest development in Cape Elizabeth.

Mrs. Swift-Kayatta thinks that the lot size reduction is an idea worth floating out into the community. She feels it should be included in the Plan.

Ms. Lynch added that if this results in more affordable housing it will be a good result.

Ms. O'Meara had prepared a memo for the Committee with a density analysis for the RB zone. There was a long discussion about the memo and the table showing how an increase in density from 30,000 sq. ft. to 20,000 sq. ft. would impact open space and the open space impact fee. Ms. O'Meara explained the items in the memo and answered the questions from the Committee. She also noted that cluster development is less expensive for services. For instance, there is less sewer, water and other utility lines. There is less road to be built. The school buses have a shorter distance to travel, etc.

Mrs. Swift-Kayatta suggested that the Committee should increase the open space requirement to 45% along with the higher density. She thinks it makes the smaller lots more palatable if you have more open space to compensate.

The Committee then discussed the Transfer of Development Rights, and its effect on the permitted density. In order to preserve farmland forever, it will necessarily make another parcel be developed much more densely than otherwise permitted by zoning. The Committee asked many questions of Ms. O'Meara as to how that would work, and pondered the result of such an occurrence.

Mrs. Swift-Kayatta proposed that Implementation Step 1 should read: Increase the density of the RB District with Open space zoning, where public sewer is available, from 30,000 sq. ft. to 20,000 sq. ft. per lot, and increase the Open Space requirement to 45%. In case of Open Space development, the Open Space impact fee shall not apply.

The Committee voted unanimously to adopt Implementation Step 1 as amended above.

Implementation Step 3 was amended by adding "for multiplex housing" in the elimination of the minimum lot size in the RB District

Implementation Step 3 was voted on by the Committee. The vote was 9 for and 1 against.

(Implementation Steps 2 and 4, and Goals 2 and 3 were voted on at the last meeting.)

### Draft Plan

Ms. O'Meara offered the Committee the opportunity to change the order of the chapters.

Mr. Herrick would like to have the Land Use chapter first. It is the most important chapter and should be first in order.

The Committee discussed the idea, with ideas ranging from agreement with moving it forward, to leaving it as it is. There was sentiment that it is important to lead up to the Land Use chapter, not to present it without background. It was also pointed out that the sequence has nothing to do with the priority of the chapters. The order of the chapters is the order presented by the State.

The Committee voted unanimously to leave the sequence as it is.

### Vision and Executive Summary

The Vision Statement drew a discussion of substance as well as placement. The Committee decided to put the vision statement at the top of the page and put a box around it, so it would stand out from the executive summary, yet not use an entire page for a brief statement. The topic of balancing services and costs will be included in the reworked statement.

The Committee also discussed the last part of the statement and debated whether to delete the reference to individual involvement. After some discussion it was decided to leave it in and substitute the word "citizen" for individual.

Mrs. Moloney requested the Executive Summary to begin with a presentation of the assets, liabilities, challenges and opportunities of the Community. She has offered to assist Ms. O'Meara in the drafting of an expanded Executive Summary.

### Economy

The discussion began with Implementation Step 11 on page 24. It was noted that the Committee had created goals in other sections of the Plan which were incompatible with Implementation Step 11. Should they take it out completely? The discussion mainly centered on whether a new business district should be added, as per request of a resident, at the corner of Route 77 and Spurwink Road. The Implementation step as proposed would not allow a new district. The Committee agreed to reword it to say: Consider adding new business districts where existing businesses are already located in non-business zones.

Implementation Step 7 was also amended to accommodate a request from a resident. It was unanimously agreed to add another bullet which said: Review the boundaries of the district.

The Cape Elizabeth Town Council has referred to this Committee, the question of whether to ban “formula” restaurants in the Town.

The discussion included noting that McDonalds (as an example) would likely not be interested in such a small town. There is not enough traffic here to draw such an establishment. Also, the Town has design standards which would limit the signs (no Golden Arches) and building design. The Town does not permit drive-thru business.

It was also noted that there are already chain businesses here in Town. CVS, Cumberland Farms, banks, and gas stations are all examples of “formula” businesses. Several Committee members said they did not want to ban those businesses. It is risky to legislate who can have a business, or what sort of business it may be.

It was agreed that Ms. O’Meara will draft a response to the Town Council that says the Committee does not want to ban “formula” restaurants.

The vote was unanimous.

The Committee voted unanimously to add the new bullet to Page 23, Implementation Step 7.

The Committee voted unanimously to eliminate the current Implementation Step 11 and replace it as previously noted.

### Housing

The first comments were about technical matters. On page 31, since some of the towns named were in York County, the Committee requested a change in the text to say, Greater Portland Area, rather than Cumberland County. On Page 40, the numbers are in error, there are two number 4’s.

It was noted that we cannot limit development, even though the residents may so desire. The State requires that this Committee make provision for development for the future.

It was felt that the Committee had done as much as possible to promote affordable housing.

### Transportation

The discussion of Transportation began with a discussion of connectivity (page 54). Since the Town residents have voted to limit connectivity, the Committee wants to add a sentence to that effect. The Committee discussed, and agreed, to leave the rest of that

paragraph as it is. The Committee does not want to go on record as choosing to limit connectivity in the future. They feel it is a good idea, and there is always the possibility that a future vote will reverse the decision made by voters in June 2006.

For Implementation Step 22, Mrs. Moloney wants the Committee to include a traffic light at the intersection of the entrance to the High School and Route 77.

A discussion ensued of whether this is needed, whether it is a good thing for the Town and who will finance the light.

The Committee voted 8 for and 2 against to add Implementation step 26 to Goal 1. That Step will be to add a traffic light at the intersection of Route 77 and the entrance to the Cape Elizabeth High School.

Implementation Steps 29 and 30 drew a lot of discussion. It was noted that Step 30 is really contained in Step 29. Many of the Committee felt that even though it is included in Step 29, the Shore Road area was a high priority subject and needs to be highlighted by itself to emphasize its importance.

Mr. Chatmas wondered if there will be a designated pedestrian path or would it be for cyclists only. It was felt that bicycles and pedestrians are not a compatible use for the same path.

Ms. O'Meara had asked the Committee to decide whether to take out the regional transportation maps.

Ms. Lynch then suggested making the Comprehensive Plan available on CD's. She urged the Committee to save paper as much as possible, and make use of CD's as much as possible. Both forms of the report will be made available to the public.

The Committee talked about analyzing major roads as in Implementation Step 23. It was felt that such a study was not needed. The Committee voted unanimously to delete Implementation Step 23.

#### Citizen Comments

There were no citizens present.

The meeting was adjourned at 9:40 pm.

Respectfully submitted,  
Hiromi Dolliver

