

TOWN OF CAPE ELIZABETH
MINUTES OF THE COMPREHENSIVE PLANNING COMMITTEE

December 7, 2006

7:00 P.M. Jordan Conference Room

Members present: Barbara Schenkel, Chair

Frank Strout

David Griffin

Elaine Moloney

Jay Chatmas

Anne Swift-Kayatta

Skip Murray

John Herrick

Mary Ann Lynch

Marybeth Richardson

Robert Dodd

Also present was Maureen O’Meara, Town Planner.

Mrs. Schenkel called the meeting to order. The minutes of the November 16, 2006 meeting were accepted and unanimously approved.

Correspondence

Ms. O’Meara told the Committee she had incorporated the memo from Mrs. Moloney into the executive summary. She included the entire memo in the packet for the Committee to read.

Vision Statement and Executive Summary

Several revisions were made to the Executive Summary. The Committee chose to remove “aging population” from the list of liabilities. It was decided that an aging population could be an asset, but they decided to omit that reference altogether.

Under Challenges, the Committee wanted to change the word “capping” to “limiting” in regard to increases in the property tax. They also chose to create a new bullet for preserving open space.

In the text, the Committee wanted to add efficiencies to cost saving and regional sharing as a goal to strive for.

The Committee requested that the addition of a phrase to the Vision Statement that says the Town will balance services and costs.

The Committee approved the Vision Statement and Executive Summary by consensus.

Population

There was a very brief discussion of the Population Chapter. The Committee decided to change the name of the chapter to Demographics in order to better reflect the fact that it is a descriptive chapter and not a chapter with goals to be implemented.

The Committee approved the chapter as amended.

Maps

Ms. O'Meara circulated a partially complete set of colored, 11 x 17 maps. She noted that the committee had not yet decided on a size for the maps and if they should be in color. A few Committee members asked if the budget would cover color printing of the maps. Ms. O'Meara said there is enough money in the budget for that to happen. She also noted that the earlier suggestion to have the report available on CD will be followed as well.

The Committee voted unanimously for the maps to be 11 x 17, and in color.

Public Facilities

The Committee questioned the percentage of recycling in the Town. They thought the 60% figure cited in the report is too high.

Ms. O'Meara said she had questioned Mr. O'Malley and he had verified the number, but she will check with him again.

Ms. Lynch questioned the need for an amount for the possible addition to the library.

Ms. O'Meara responded that we need a number for the C.I. P. This figure is the one Jay Scherma, Library Director, came up with.

Mrs. Swift-Kayatta suggested wording to say that \$500,000 to \$1,500,000 may be needed to address space needs. She would like to remove the reference to an addition and leave it open as to how the space needs are met.

The chapter was approved by consensus.

Fiscal Capacity

The wording of Goal 2 was revised to include a reference to the recent vote on TABOR. The sentence shall now read: "They have rejected one statewide referendum effort to cap property taxes (Palesky, 2004) and a statewide spending cap (TABOR) in 2006."

Implementation Step 47 was deleted, and Implementation Step 48 was revised. Number 48 will now say: "Expand the tax base with appropriate businesses compatible with community character."

The chapter was approved, as amended, by a unanimous vote.

Recreation and Open Space

Ms. Lynch opened the discussion of this chapter with a couple of amendments to page 85. She wanted an addition to the sentence about trails in Fort Williams to reflect the fact that only portions of the trails are paved.

The last paragraph on page 85 was also amended to reflect the idea that conflicts are emerging between different types of trail users.

On page 86, the existence of a land acquisition fund in the Town was not mentioned, and the Committee felt it should be included in this chapter. Several suggestions were made to add it to page 86, or to add it to the opening paragraph on page 84. After a discussion of the wording, Ms. O'Meara came up with a sentence which the Committee liked. It will be added to the introductory paragraph of this chapter.

Mr. Dodd then spoke about a problem that is emerging in the Oakhurst neighborhood. A large lot has been sold to a person who intends to subdivide it into three lots. The problem for the neighborhood is that historically they have been crossing this lot to gain access to other trails to the south of the neighborhood. The neighbors are concerned about losing their access to the open space and trails if this new owner closes them out.

After a discussion by the Committee it was unanimously agreed to add trails to the end of goal number 48C.

The Recreation and Open Space Chapter was unanimously adopted as amended.

Marine Resources

Mr. Strout led off the discussion with a small correction to page 96. He asked to change line 5 from shell fishing habitat to shell fishing beds.

Mr. Strout also requested the addition of access for fishing to Goal 1. He noted that unless the fishermen have access, there is no way to protect commercial fishing. Goal 1 was amended to read: "The Town shall manage marine resources to protect commercial fishing and access and also to provide for recreational boating."

Amended Goal 1 was unanimously approved.

The Marine Resources chapter was unanimously approved.

Water Resources

There was a question on page 100 about the classification of the Spurrink River as SB. The Committee asked for a clarification of what the SB means. SB is the state water quality classification. No further information is available and it was decided to remove that from the report.

The committee unanimously approved the chapter as amended.

Critical Natural Resources

The discussion of this chapter was mostly centered upon the map of plant and wildlife habitat. The Committee was not happy with the map and some members were concerned about whether a homeowner would be prohibited from adding a deck or swimming pool if their property was covered in one of the critical wildlife habitat areas.

The Committee was reminded that only a subdivision or construction of a new house would trigger such a review.

The Committee wants to take out the map altogether.

Ms. O'Meara commented that omitting the map may lead to the rejection of the Comprehensive Plan by the State. She noted that the Committee may have to reconvene at some time in the upcoming year if the State is not satisfied that they have addressed this subject thoroughly enough. She pointed out that a qualifying note has been added to the map in an attempt to address the concerns of the committee.

Several members of the Committee were concerned about using the map. Their arguments were that there are no facts to back up the map, the habitat data was from 1960, and too outdated to use, and the map places the burden of proof from the State to the landowner. The landowner needs to prove that their land does not contain critical wildlife habitat, and the State does not need to prove that it even exists anywhere near that landowner. In response to a question, Ms. O'Meara said that the map is not specifically required, but the information describing these areas must be included in the plan.

Since John Greene of the Sprague Corporation was attending the meeting, the Committee asked if he would like to make any comments at this time. Mr. Greene said he has done an extensive survey of the trees, wildlife habitat etc. on the Sprague property and he thinks the State map is too "broad brush".

Ms. O'Meara said that without the map she will have to require every developer to make a survey of wildlife habitat on the property they want to develop. It would not be possible to rule out any properties. It is a requirement now, but not enforced on anyone who is not in the areas mapped by the State. She also noted that the map supports the town's position that it adequately protecting critical natural resources because most of the habitat areas shown on the map are in local Resource Protection Districts.

Mrs. Swift-Kayatta said we have been careful about data included in the Plan, but this is a 50 year old inaccurate map.

A motion was made to delete the map and put in a general paragraph about wildlife and plant habitat.

The Committee voted for the motion by a vote of 10 in favor and 1 opposed.

On page 105, line 40, the Committee requested that some qualifying language be added.

The Committee will not vote on this chapter until the revision is done.

Mr. Greene thanked the Committee for allowing him to comment on this chapter.

Agriculture and Forestry

On page 113, line 31, the amount of money quoted for the purchase of the easement and development rights for the Jordan Farm was questioned. Ms. O'Meara will verify the figure.

On Page 109, the discrepancy in the numbers in line 33 will be explained further.

On Page 110, line 11, the subdivisions of Wainwright Circle and Autumn Tides will be added to the list.

The Committee unanimously adopted the chapter as amended.

Historic and Archeological Resources

A correction on page 120, line 9, was made to reflect a total of 2000 sq. ft. of space rather than an additional 2000 sq. ft.

The Committee unanimously adopted the chapter.

Regional Coordination

A minor change was made to the wording of the first sentence of the chapter, and the chapter was unanimously adopted.

Next Meeting and Agenda

The next meeting will be held Wednesday January 10, 2007.

The Committee will review the Land Use and Critical Natural Resources Chapters.

Citizen Comments

Mr. John Greene thanked the Committee and said he had no further comments.

The meeting was adjourned at 9:20 pm.

Respectfully submitted,
Hiromi Dolliver