

Meeting Minutes

Future Open Space Preservation Committee

November 16, 2011

Attendees: John Greene (Chair), Wayne Brooking, Carol Ann Jordan, Caitlin Jordan, Frank Governali, Craig Cooper, Bo Norris, Chris Franklin, Maureen O'Meara (Staff), Chuck Lawton

Members not in attendance: Richard Bauman, Jessica Sullivan

Call to order: Chair Greene called the meeting to order at 7:00 PM.

Public comment: No members of the public were present.

Approval of meeting minutes from November 2, 2011:

The minutes from November 2, 2011 were reviewed and discussed. A motion to approve the minutes was made by Caitlin Jordan and seconded by Bo Norris. The motion was carried by a unanimous vote.

Cost benefit analysis: Chuck Lawton presented his third installment of his cost benefit analysis at the meeting held on November 16, 2011. Chuck spoke regarding the approach he would take in helping us develop a methodology we, as a committee, can use going forward to compare development costs. Discussion was had regarding the input on our school system versus type of development. Even though the school enrollment has been declining for several years, the cost of the school system has gone up thirty five percent. It was discussed that education costs would be minimally affected by development because of the existing excess capacity in the system. After Frank Governali's question, Chuck confirmed that only one third of Cape Elizabeth households have children currently in the school system.

Mr. Lawton noted that the Cross Hill and Leighton Farms community impact analyses were different because they were project specific and using average cost analysis. We can't use average cost analysis because

the system has capacity, so we are using marginal cost of additional development.

He noted that the trend is toward an average household size of 2.51 -2.49 from the current 2.57. Vacancy is 2.5%, which is standard to allow for turnover of housing. Total inventory assumed is 96 homes.

Mr. Governali asked if over time, marginal costs will increase because of available excess capacity, but won't increase until we exceed capacity. Mr. Lawton said this study is focusing on marginal cost, which is below average cost.

Mr. Governali asked about the assumption on vacancy. Mr. Lawton he assumed that the vacancy pool would first direct housing demand to existing vacant housing before new construction.

Mr. Governali questioned if the vacancy rate assumed is low, not including commercial. Mr. Lawton said the vacancy rate could go a bit lower. It depends on the economy and jobs, which will influence what the real estate market releases. Mr. Norris noted that realtors can be optimistic.

Mr. Franklin asked about new housing units, like Eastman Meadows, where people are abandoning their single family homes. Mr. Lawton said his approach sums the average and likely marginal cost for likely new units.

Mr. Franklin wanted to confirm that the study will consider different development types and Mr. Lawton agreed this would be provided. Mr. Greene wanted to confirm that some kind of regression formula factoring varying amounts of municipal services would be included in the different housing types and Mr. Lawton agreed.

Mr. Franklin said that projected enrollment is based on 15 units per year, yet we still have decreased enrollment. Even if enrollment increases 2.5%, spending has increased 7 million. How will you approach that. Even with decreasing enrollment, school costs are increasing, school spending is skyrocketing. Mr. Lawton said he measures from current level of service. Increases in the school program are not considered because education costs in this circumstance are not related to growth. It is an independent factor that does not get into the preservation/development choice. It is a cost that is increasing independently.

Mr. Governali noted that variability is not driven by student population. To

cover that, we would want to grow the population so enrollment increases and costs are spread across a larger base. Mr. Norris noted the influence of state mandates on fixed costs and Mr. Cooper noted the change in the cost of health insurance costs.

Mr. Governali asked about other factors. If the estimate on the number of students/household is wrong, then the incremental change in unit cost will go down. Mr. Lawton said he added 3% for inflation. The cost per student is irrelevant as long as you are committed to a school program where costs are independent of enrollment. This is a policy question almost entirely distinct from open space preservation.

Mr. Franklin asked where the 15 students per year number came from. Mr. Lawton said the number was provided by the school department. Mr. Cooper asked if the economy was factored in and Mr. Lawton said employment growth was used.

Mr. Lawton summarized the fiscal capabilities and the application of the figures at differential rates.

Mr. Governali summarized that if you have a capacity for 100 homes, then there is no marginal increase in cost up to 100.

Range of tools: Chair Greene started discussion regarding our range of open space preservation tools. It was agreed to discuss each tool individually in order to adopt a “final” draft. Some discussion was had among committee members on each preservation tool. After discussion, a motion was made and seconded by various members. Further discussion was had if needed at which time the tool was adopted and/or deleted. See listed below:

Zoning Related Tools:

- **Restrictive Zoning:** The FOSP Committee recommends that the Restrictive Zoning, as a tool, should not be expanded. Specifically the existing Resource Protection Districts work well to protect wildlife habitats but an agricultural zone should not be created.
 - Motioned by: Carol-Ann Jordan
 - Seconded by: Caitlin Jordan
 - The acceptance of Restrictive Zoning was passed

unanimously by the committee.

- **Clustering:** The FOSP Committee recommended that the current regulations promoting clustering be retained. More work should be done to investigate the potential for increasing the amount of open space that is preserved while maintaining the density allowed that makes this a desirable option for property owners. More emphasis should also be put on preserving contiguous open space and connectors and less on open space as buffer strips.
 - Motioned by: Craig Cooper
 - Seconded by: Bo Norris
 - The acceptance of Clustering was passed unanimously by the committee.
- **Impact Fees:** The FOSP Committee recommends that the Town retain the current open space impact fee structure.
 - Motioned by: Bo Norris
 - Seconded by: Carol-Ann Jordan
 - The acceptance of Impact Fees was passed unanimously by the committee.
- **Transfer of Development Rights (TDR):** The FOSP Committee recommends that the town retain the current TDR regulations.
 - Motioned by: Bo Norris
 - Seconded by: Carol-Ann Jordan
 - The acceptance of TDR was passed unanimously by the committee.
- **Increased Density Purchase:** The FOSP Committee recommends deleting the Increased Density Purchase option as a Range of Open Space Preservation Tools.
 - Motioned to delete: Chris Franklin
 - Seconded by: Caitlin Jordan
 - The deletion of Increased Density Purchase was passed unanimously.

Acquisition Tools:

- **Fee Ownership:** The FOSP Committee recommends that Fee Ownership purchases continue.
 - Motioned by: Frank Governali
 - Seconded by: Wayne Brooking

- The acceptance of Fee Ownership was passed unanimously by the committee.
- **Easement:** The FOSP Committee recommends that easement donations and purchase continue. In particular, this approach may be best suit expansion of the Greenbelt Trail network.
 - Motioned by: Wayne Brooking
 - Seconded by: Carol-Ann Jordan
 - The acceptance of Easement was passed unanimously by the committee.
- **Donation:** The FOSP Committee supports donations of land for public open space.
 - Motioned by: Frank Governali
 - Seconded by: Chris Franklin
 - The acceptance of Donation was passed unanimously by the committee.
- **Tax Acquired:** The FOSP Committee recommends that Tax Acquired land continue to be evaluated for public open space designation.
 - Motioned by: Craig Cooper
 - Seconded by: Frank Governali
 - The acceptance of Tax Acquired was passed unanimously by the committee.
- **Buy/Restrict/Sell:** The FOSP Committee recommends that this tool be used at appropriate opportunities.
 - Motioned by: Chris Franklin
 - Seconded by: Caitlin Jordan
 - The acceptance of Buy/Restrict/Sell was passed seven to one by the committee.
- **Limited Development:** The FOSP Committee recommends that this tool be deleted from the Range of Open Space Preservation Tools.
 - Motioned to delete: Carol-Ann Jordan
 - Seconded by: Caitlin Jordan
 - The deletion of Limited Development was passed unanimously by the committee.

Other Tools:

- **Partnerships:** The FOSP Committee recommends that

partnerships continue to be established to preserve open space.

- Motioned by: Bo Norris
 - Seconded by: Chris Franklin
 - The acceptance of Partnerships was passed unanimously by the committee.
- **Grants:** The FOSP Committee recommends that Grants be sought at appropriate opportunities.
- Motioned by: Caitlin Jordan
 - Seconded by: Frank Governali
 - The acceptance of Grants was passed unanimously by the committee.
- **Reduced Taxation:** This tool was passed at the last meeting on November 2, 2011.

Financial Resources:

- **Promoting Economic Viability of Agriculture Fund (PEVA):** The FOSP Committee recommends that the town investigate establishing a local rebate program which rebates taxes paid on agricultural land from the town general revenue account.
- Motioned by: Bo Norris
 - Seconded by: Caitlin Jordan
 - The acceptance of PEVA was passed seven to one by the committee.

Next Steps / Draft agenda for next meeting: December 14, 2011 at 7:00 PM.

- Cost Benefit Analysis final report
- Key parcel review

Public Comment: There were no members of the public present at this meeting.

A motion to adjourn was made by Bo Norris, seconded by

Craig Cooper. The motion carried and the meeting was adjourned.

Respectively submitted,
Craig Cooper