Town Center Planning Committee

DRAFT Meeting Minutes – April 14, 2014

Present: Stephanie Carver, Chair

Peter Curry

Skip Murray

Stephen Parkhurst

David Sherman

Jamie Wagner

Lee Rutty (Minutes Secretary)

Meeting called to order at 4:05pm

Public Comment:

Paul Seidman, 27 Oakview Dr. (referring to the proposed plan for the Haffenreffer property) Concerned that there is a movement toward destruction of natural environment being 'good' because it has a compelling public interest. The Library has a Green so it makes it less compelling.

Sara Lennon, 54 Cranbrook Dr. (referring to the proposed plan for the Haffenreffer property) Produced photos of the wetland on the property. She said it was more of a pond than an 'insignificant mud puddle'. She objected to the idea of filling in a pond. How do we define the greater good? Who defines what is in the public interest?

Laura McGrath, 1 Rugosa Way. (referring to the proposed plan for the Haffenreffer property) She and her husband recently purchased property on Shore Rd. Same objection about the wetland and the public good. She is concerned that the water would flow into her property. Location of the Village Green across Rt 77 from the schools is dangerous. The Library would be a better place for it. Referenced the 2005 survey. She admits she is biased because of the proximity of her property. Closed by asking how this Committee was formed. Ms. Carver explained the charge and how we came to be formed.

Claudia Dricott, 70 Columbus Rd. (referring to the proposed plan for the Haffenreffer property) Has the wetland been classified as a RP2 wetland? Ms. Carver and Ms. O'Meara confirmed that it is a Town-defined RP2, not recognized or regulated as a wetland by the State. Ms. Carver reaffirmed that any development of any private property is under the control of the property owner, not this Committee, and would have to go through all normal channels and reviews.

Public Comment closed at 4:18pm.

Draft Report Review

Executive Summary. Some discussion about the use of the word 'survey' in paragraph 1 as it implies that we consider it statistically valid, which we do not.

The endorsement of the Library Building Committee's work was softened to make it clear that we wholeheartedly support the effort without weighing in on any specific outcome of the Committee.

Text was added recognizing private property rights and interests, to make it clear that nothing done or reported by this Committee in any way reduces the rights or responsibilities of owners of any lots in the Town Center.

Vision. No changes

Goals. No changes.

Recommendations.

Goal 1. Discussion of whether to include verbiage about the fact that we discussed the traffic light option for the Rt 77/Shore Rd. intersection and that while some were in favor, we recognize that the Town has rejected this several times. Decision was to not add this verbiage.

Goal 2. No changes.

Goal 3. No changes.

Goal 4. Minor rewording of the Background of the Haffenreffer proposal. The owners have put the property on the market for development, and have made it clear that they do intend to develop it, regardless of the outcome of this Committee's deliberations. They have the right to do so (with Town approval). They have already turned down a proposal because they like the idea they presented to us. The wetland is small (less than half an acre) and they can build around it if they want to. The State would not stop them filling it in; this wetland is covered only by a Town regulation so it is under the Town's control.

Ms. O'Meara pointed out that the RP2 change being contemplated for the report only applies to the Town Center district. It does not change any existing protections, nor does it give a blanket waiver to fill in wetlands or flood properties next door. It simply gives the Town more flexibility in assessing specific proposals within the Town Center. And this is still just a recommendation; the Town Council would have to actually move forward to consider the change.

Mr. Curry pointed out that as a member of the Planning Board, it is his opinion that the proposed wording is good, and that the PB could work with it.

Mr. Rutty suggested moving the ordinance wording into the Appendix. There was general agreement.

Goal 5. Mr. Sherman suggested adding text about Mr. Concannon's appearance before the Committee.

Goal 6. No changes.

Goal 7. The Committee discussed some minor changes to the text, but in all was very pleased with Ms. O'Meara's write-up.

Public Comment #2 5:26pm

Peter Rand, Shore Rd. (referring to the proposed plan for the Haffenreffer property) Saddened to see the Town willing to change a wetlands ordinance in favor of a particular developer. Suggested that we should establish whether it is a vernal pool. The Village Green: is it to be Town property? Ms. O'Meara explained the history and the proposal. Mr. Rand expressed the opinion that a Village Green should be owned and/or controlled by the Town. He also asked that we correct our survey appendix where we mistakenly list his response of 'gambol on the Green' as 'gamble on the Green'.

June Farrow 1208 Shore Rd. (referring to the proposed plan for the Haffenreffer property) asked if the trees on the property would be retained. Ms. O'Meara explained that it depends on the plan proposed. The Planning Board would be involved, but since it is private property the owner already has certain rights to cut trees.

Sara Lennon, 54 Cranbrook Dr. (referring to the proposed plan for the Haffenreffer property) spoke against the proposal, at length. She again impugned the integrity of this Committee and called the process 'disingenuous'.

Paul Seidman, 27 Oakview Dr. asked if anyone had objected to the TIF. Have we heard or considered opposing opinions? Proposed that we post questions on the Town web site. He read specific questions. He seemed to think that generating opinions in this way would be somehow more statistically valid than the Committee survey, which he has repeatedly decried as being invalid.

Mr. Wagner replied to Mr. Seidman's question about TIFs and encouraged him to do the research himself and get the information to the Committee.

Paul McGrath, 1 Rugosa Way. Thanked the Committee for its work. As an owner of property nearby, he does not want the Village Green where it is proposed. He questioned the ethical issues before us. Who owns the Green, who controls it, etc? He was polite, while implying that we are not acting completely ethically. He thinks the Town should buy the acre of land proposed for the Green.

Mr. Curry responded to Mr. McGrath with information about Town ordinances and asked him to clarify the ethical dilemmas he sees.

Mr. McGrath pulled out the 2005 survey and said that the Town had said on that survey that they did not want development. He asked if there is precedent to facilitate specific developments.

Mr. Sherman reiterated that this is a policy decision and that the Town Council will consider it. It is not something that is going to be decided by this Committee.

Mr. Parkhurst said that the specific proposal is included as a guide, not an endorsement or negation of a specific project. There will be other proposals if this one does not proceed. We need to be prepared to consider each on its merits.

Alice Rand, 1223 Shore Rd. (referring to the proposed plan for the Haffenreffer property) She is proud that Cape Elizabeth has taken the lead in the State on protection of wetlands. She was on the original board of Piper Shores. She thought that it was a marvelous project and would love to have had it in Cape, but the wetlands on the proposed parcel were an issue and their advisors told them not to locate here. She also referred to the recent Open Space survey that established that the Town wants to retain its rural character and we don't want to look like Falmouth. Keep it small.

Claudia Dricott, 70 Columbus Rd. (referring to the proposed plan for the Haffenreffer property) In order to decide if the RP2 is a priority, we have time constraints since the wetland changes through the year.

Mr. Murray pointed out that the experts can tell, even in August, whether something is a vernal pool. He also rebutted the earlier point about the Open Spaces survey, saying that is was structured Town-wide, not specific to the Town Center.

Paul Seidman, 27 Oakview Dr. (referring to the proposed plan for the Haffenreffer property) Vernal pools are dry part of the year. DEP can only see certain things in spring so Claudia has a point.

Mr. Wagner commented that he is Green by nature and is cognizant of environmental issues and it is important to him that this is limited only to the Town Center. None of this applies outside of this zone.

Public Comment closed 5:53pm

Next meeting is scheduled for May 19, 2014. The revised draft of the report, with cost estimates, will be distributed before then. Ms. O'Meara asked that the Committee members forward any last notes to her so that we can review a final draft on 5/19.

Meeting adjourned