

**TOWN OF CAPE ELIZABETH
MINUTES OF THE
PLANNING BOARD WORKSHOP
May 2, 2023**

(Minutes of a Planning Board workshop is prepared for an item when the Planning Board takes a vote. Votes are restricted to holding an executive session, scheduling a public hearing, or deciding a potential conflict of interest.)

May 2, 2023

7:00 p.m.

Town Hall

Present:	Jonathan Sahrbeck, Chair	Daniel Bodenski
	Matthew Caton	Andrew Gilbert
	Derek Lavallee	Jim Huebener
	Al Palmer	

Also present was Maureen O'Meara, Town Planner

Acting Chair Sahrbeck called the meeting to order at 7:00 p.m.

2. **LD 2003 Amendments.** The Town Council has referred to the Planning Board review of the LD 2003 Zoning Ordinance amendments.

Chair Sahrbeck stated that the amendments are predominantly policy driven and the final decision on policy is the Town Council. Board members noted they had reviewed LD 2003 materials including the law, DECD Guidance document, and rules.

In response to a question on the process, Ms. O'Meara explained that the amendments were crafted by the Ordinance Committee over several meetings when there was substantial public comment. In accordance with Sec. 19-10-3, the Town Council must provide the Planning Board with an opportunity provide advice, and the Planning Board must hold a public hearing before making a recommendation to the Town Council. The Town Council must also hold a public hearing before considering a vote for adoption.

The Planning Board reviewed the entire draft LD 2003 amendments. Mr. Caton noted that all numbers should also be represented with words. Ms. O'Meara agreed and had not added to the draft until the substance of the numbers had been reviewed, but the next draft will include this. The board discussed the definitions section and Mr. Palmer expressed concerns with the affordable housing definition and how majority will be applied. The board discussed how the previous amendments to the dwelling unit definition had been preserved, and discussed use of the term "household." They were satisfied that the earlier changes had been preserved and agreed to leave the proposed definitions as is.

When reviewing the proposed accessory dwelling unit provisions (Sec. 19-7-5), the Planning Board agreed that the single ownership provision or a condo option should be retained. (This would not be more restrictive than how a single family home is treated.) Mr. Caton questioned removing the variance option, and Ms. O'Meara said that a single family home has the opportunity to apply for a variance. The board added the section reference to the Short Term Rental provisions to the draft.

After reviewing the draft amendments, the board discussed next steps, with the option to hold another workshop, and to hold a public hearing in June or in May.

Mr. Huebener made a motion to hold a public hearing on the LD 2003 amendments at the May 16th meeting, seconded by Mr. Gilbert, and the motion passed 7-0.

The workshop adjourned at 8:57 p.m.