

Town of Cape Elizabeth
Housing Diversity Study Committee
Meeting Minutes - *Draft*
June 5, 2023

Present: In-person: Kevin Justh (KJ), Stephanie Anderson (SA), Curtis Kelly (CK), Victoria Volent (VV), Katie Reeves (KR), Amit Oza (AO), Timothy Thompson (TT)

Committee Support Staff: Kristina Musante (KM) and Josh Biehler (JB) of K&J Strategic Solutions consulting firm

Attendance: 8 people in-person; 5 virtually

1. Call Meeting to Order

The meeting began at 6:30 pm.

2. Roll Call

All members were present in-person. Victoria Volent was two minutes late.

3. Public Comment

No public comment.

4. Approval of Minutes from May 15, 2023 and May 22, 2023 Meetings.

The minutes from May 15 th meeting needed to have revisions on the first paragraph, as well as the discussion on Kevin Jusths' website. It was asked that language regarding the meeting between town manager, consultants, and chair regarding owl access be removed. It was also asked that language stating that the town manager said that he could provide an OWL if it was requested the day before.

The minutes from May 22, 2023, meeting Kurt Kelly made a motion to approve, Katie Reeves seconded the motion. The committee voted unanimously to approve the minutes.

5. List of Agenda Items

a. Loomio Questions presentation by Judy Colby-George

Judy brought with her 8 questions for the committee to review to start the Loomio discussion posts. The committee liked all the questions and decided to go down the list and post two questions every two weeks. The committee wondered how people would know about the discussion or when new posts were up. Judy responded that they do get notified if they are subscribed to the discussion forum, but it can also go on the town website and social media.

There was concern about someone answering multiple times. Judy responded that it was not a survey, so we aren't counting responses, but people need to log in with their email addresses, so if they want to create multiple email addresses they could, but there really isn't monitoring. The point was made that this is a discussion forum, so there is hope people would respond many times. Judy and the committee discussed having a moderator for the discussion posts. The members who have used Loomio in the past with the Comprehensive Plan said how helpful this was taking turns to moderate different discussions. This allows for an open discussion and if responses from the committee were there. The discussion continued on to approving the questions at hand and potentially using some of the survey questions as well. The subcommittee would review these questions at their next meeting, but the committee agreed to start posting the first four questions. Judy mentioned she could have the Loomio discussion post up by the following week and would work on getting a QR code for Family Fun Day. At the next meeting, we will have discussion of more questions or modification of questions. Judy also stated she would write an introduction and send it to the committee staff to approve that can be on the flyer and website. She mentioned when the survey does go live, she can add language to Loomio site to direct people to that as well. The committee agreed that the first two discussion posts would be monitored by Amit Oza.

b. Review of Town Owned Land

The committee opened by stating that part of the charge of the committee is to consider municipal-owned land. The chair made mention that they could go through the whole list of land, but many are known to have restrictions and narrowed it down to 8 parcels for discussion, that were either resident suggestions or had existing site plans. The 8 parcels to be discussed were: Fort Williams, Town Farm, Gull Crest, School campus/1933 building, Lions Field, Town Hall, Eastman Rd, and Davis Woods. The committee mentioned the committee is respectful of citizens and what they bring to the committee, even if individually they have a differing opinion – this was mentioned in regard to the referendum in 2022.

Prior to the discussion of the 8 parcels, the committee discussed other criteria besides what was listed. The committee added community sentiment to the list – in regard to if a location was seen as a national jewel. A committee member had issues with Fort Williams being a parcel because no citizen through email or at a meeting mentioning that parcel for building. Committee members mentioned the previous plans for Fort Williams and Town Farm as earlier projects. These should be discussed and if it is not seen as feasible, it gets removed. Victoria Volent put Fort Williams on the table for discussion but is against it based off the easements and no public water/sewage. She also wanted to add the type of housing for the criteria list. Committee members also mentioned that at the time of this meeting Town Council was meeting to remove Fort Williams off our list of potential parcels.

Committee members then questioned the list, which came from the Town Planner. The committee raised the question about anything being called conservation land was not usable. The committee discussed the point of the agenda to discuss some of these lands. The example of conservation land that can be built on is Davis Woods (Ocean House Roads). The land has no deed restriction. The committee decided to move the discussion towards the 8 parcels and add any at a later time.

The first parcel for discussion was Fort Williams. The committee discussed it not being zoned for housing, legally restricted, and not in line with the Comprehensive Plan. The chair made a move to remove Fort Williams from the list of recommendations on the suitability of using it for housing. Two other members agreed. There was a second for the motion. A unanimous vote of 7-0 to remove Fort Williams for recommendations.

The next discussion was Town Farm, which is deed restricted through 2050. The conversation again went to why is it on the list, and members mentioned because it was something that was mentioned previously. A discussion on the 50-year easement should remove it from the list automatically. A committee member mentioned though, how in housing terms it can take a decade to get any housing project up and running. Another problem besides the deed restriction is that it is in the RA zone. Tim made a motion to remove it because it is not available until 2050. Victoria agreed with Tim and Stephanie seconded the motion. The vote was 6-1 to remove Town Farm. The dissenting vote mentioned how even though it is not readily available now, it will be in a few years and the Town can consider it then.

The next parcel was Gull Crest, which the committee stated is currently being looked at by the Town already. Victoria made a motion to wait until the report came back from the Town before discussing this parcel. Stephanie agreed with this motion. A discussion of removing was had and the idea of obtaining community sentiment through the survey on this or any parcel will be asked. It was made clear that the committee isn't making recommendations tonight but is discussing parcels. Kurt disagreed and mentioned that the committee should look at it based off the criteria they established. There was discussion on clarification of what the committee was voting on tonight and again question was raised about conservation land and that tonight is not about preparing an interim recommendations.

The Davis Woods was used as an example, opposed to reviewing all .5 parcels with deed restrictions. There was a debate over reviewing the full list of parcels to fully understand conservation lands. The committee looked at all parcels over 3 acres quickly and named the deed restrictions. The Eastman Road is on the list to be used as a template for other smaller acreage parcels. Committee members continued to discuss Eastman Road as possibly being a pump station.

The conversation returned to the criteria and using it to discuss the parcels. The question also returned to as part of criteria of who will be using the land – market rate, affordable, etc. The committee's job is to discuss at the base level are the parcels viable.

The committee returned to Davis Woods and the problem with it being in the RA zone with 10-acre min. The land does not have water/sewage but is nearby. The discussion of ignoring current zoning, as things are changing. The walkability and changing of zoning came up and being part of the recommendation. Victoria said to keep this on the list and two other members agreed. The committee returned back to Gull Crest and the discussion of it being in play and keep both on the list. Everyone agreed.

The committee discussed the School campus/1933 building. This was suggested because citizens brought it to the committee's attention. There is also a history of converting old buildings into housing. The committee wanted it clear, the discussion to only discuss the 1933 building. The historical tax credit was discussed. The committee agreed to keep this on the list.

Lions Field was discussed, which is deed restricted. The land is deed restricted for parks and recreation. So the committee removed it from the list. The chair wanted to have it on the list because of the discussion of trade-offs, which the Cumberland Town Manager mentioned when he came to discuss with them.

The Town Hall parcel was discussed and the previous recycling center area. The committee discussed parking study and discussing if land was left over, what they could potentially do with that land. There was also discussion of if Town Center to municipal buildings were and repurpose the land where Town Center currently is. There was discussion of acreage and is Town Center feasible. The committee is keeping it on the list.

Lastly they discussed Eastman Road and the potential of it. The committee agreed to keep it on the list.

Public Comment: Daniel Harrman 21 Kettle Cole Road: Stated he is longtime resident of many generations from Cape Elizabeth. He described that he and his wife have lived and worked here their whole lives. The taxes are so costly now that he is finding it hard to remain here. He discussed the use of ADU's and the regulations on it. He asked to consider the allowance of subdividing his home so he can afford to stay. He asked that the committee please make top priority the residents that currently live in Cape Elizabeth and make it affordable to residents.

c. Committee Staff Updates

The committee staff reminded the committee about communication with the public, other committee members, disclosure, and public meeting requirements. The committee staff stated this is a gentle reminder that communication with any member of the public can only be about the time and location of the meeting. No committee member can engage with groups such as the Rotary Club, or perform interviews on podcast, for newspapers, school functions or post on social media about the work of the committee. If a committee member would like to engage with any of these outlets or is asked to present or be interviewed. The members must receive permission from the whole committee and talking points must be developed and approved by majority vote. The staff reminded the committee of the first meeting in October, where a member asked about speaking at an AP government class. The committee discussed it and advised against any committee member presenting to government classes for fear of violating NOAA and appearing partial. The question arose of why this was brought up now and the staff indicated it was because of the discussion from the May 15th committee meeting and Tim Thompson's appearance on Cynthia Dill's podcast on March 18th. Tim mentioned that he made it clear that he was speaking no on behalf of the committee, but staff brought up that he is titled as the vice-chair of the committee, which is where the line gets blurred between personal opinions and committee business, as well the discussion of some of the committee business was asked on the podcast. The committee wanted it to be clear this is only in regard to the

committee's work. The discussion of having talking points of Family Fun Day did come up, so there was no confusion. It was also mentioned that people have rights, the committee noted they would check, but as being a part of this committee, the members gave up some of those rights.

d. Family Fun Day Outreach even for survey and Loomio

The committee staff will be making flyers for the event which will include one on the survey, Loomio, and the schedule of the next meetings. The committee staff will also print out the QR code for Loomio for the table. The discussion of how to gather feedback since there can't be discussions of committee business. Kurt Kelly also made mention that he assured the Family Fun Day committee that there wouldn't be any discussions because they were concerned about people getting potentially riled up. The answer was to have people who want to give feedback do so in writing through our HSDC email. The discussion then went to how to schedule and man the table. There were points made about breaking it down so that two people each took a time slot. A member mentioned the importance of being there full-time and how two people for every 2 hours would work. The committee staff said they will send out information on scheduling and emails about this were okay because it had to do with logistics.

e. Community Forum Reports

It was discussed at the May 15, 2023, meeting, but here are the actual reports. Committee staff mentioned that what came through was that there was some confusion of the real purpose of the forum was and confusion of density and housing types. There was some really good information though around the comments around the types and feedback from the evaluations which led to some new ideas.

f. Survey Development Updates

A discussion about the survey contract and the timeline for the survey took place. The committee expressed concern that the contract was held up by the survey contractors and that would cause a delay in the process.

6. Reports and Correspondence

- a. Survey Questions from Committee Members (attached)
- b. OWL Email Chain (attached)
- c. Cynthia Dill Email on Community Housing (attached)
- d. Gull Crest Feasibility Report Inquiry Email (attached)
- e. Email and Reports on Workforce Housing and Rental Housing in Maine (attached)
- f. Comengage proposed contract and committee emails (attached)
- g. Comengage Email regarding Q's (attached)
- h. Town owned Land spread sheet (attached)
- i. Contract delay (email chain (attached)

All reports and correspondence were added to the record.

7. Next Meeting/Event

For the next agenda items a discussion about the different parts of the final report and breaking it down, not into subcommittees be added to the agenda. The committee needs to start thinking about the final report. Also Tim Thompson wanted to add Kevin Jusths' website to the agenda for discussion. He requested the chair take it down, but if a discussion was needed to please add it to the agenda. The conversation revolved around the fact that the committee chair could have a website against Gull Crest, an area that the committee is discussing, but Tim couldn't go on a podcast. A committee member spoke up, mentioning the difference was the website, which the chair pointed out was not against Gull Crest and hadn't been updated since 2022, was that the website was prior to the formation of the committee and the podcast was during. There was discussion as well that chair should have removed himself from any vote on Gull Crest because of bias. The resolution was to add the website to the agenda for June 26th.

- a. Saturday, June 17 Family Fun Day at Fort Williams Park
- b. Monday, June 26 at 6:30PM at Town Hall, Council Chambers (hybrid)
 - i. Cynthia Dill to present and engage in Q&A on Community Housing from 6:30 pm to 7:15 pm
 - ii. Small group development
 - iii. Survey development
 - iv. Kevin Justh's email
- c. Monday, July 17 at 6:30PM at Town Hall, Council Chambers (hybrid)
- d. Monday, August 7 at 6:30PM at Town Hall, Council Chambers (hybrid)
- e. Monday, August 28 at 6:30PM at Town Hall, Council Chambers (hybrid)
- f. Monday, September 18 at 6:30PM at Town Hall, Council Chambers (hybrid)
- g. Monday, September 25 at 6:30PM at Town Hall, Council Chambers (hybrid)

8. Public Comment

No public comment.

9. Adjournment

Meeting was adjourned by chairmen and vice chairmen at 8:50.