

**Town of Cape Elizabeth
Ordinance Committee Minutes**

September 19, 2023

5:30 p.m.

Town Hall

Members Present: Penny Jordan, Chair
Caitlin Jordan
Gretchen Noonan

Staff: Maureen O'Meara, Town Planner
Craig Freshley, Good Group Decisions
Tom Bell, GPCOG

Minutes

The September 13, 2023 meeting minutes were approved by a vote of 3-0.

Public Comment

No one present wished to speak at this time.

LD 2003 Public Forum Logistics

Chair Jordan began by welcoming Craig Freshley, who will be facilitating the October 16th public forum. She summarized the committee's work to comply with LD 2003, and the state January 1, 2024 deadline. She welcomes assistance in communicating a complex subject and noted that additional recommendations may be coming from the Housing Diversity Study Committee at the end of the year. At the last meeting, we had Town Attorney Mary Costigan advise us on the limited opportunities for town options in the state law. We have not deviated from the state minimum law requirements.

Mr. Freshley asked what are the issues?

Councilor Noonan said the ADU size issue, which we are increasing, is not an LD 2003 requirement. Councilor Caitlin Jordan noted that the state does not establish a maximum size, but the town may.

Mr. Freshley confirmed that the town is proposing a maximum size cap. The committee explained that the current ordinance has a cap and the committee is recommending an increase in the maximum size. Mr. Freshley clarified that strict compliance with state law would result in having no maximum size cap. Mr. Bell clarified that having a maximum cap is an option. Allowing more than 600 sq. ft (the current cap) opens the opportunity to have a 2-bedroom.

Chair Jordan explained that the committee has considered research on ADUs in various states and the size varies around 1,800, 800, 1,000 sq. ft. We want to address housing challenges and families in town already want a larger size option.

Councilor Caitlin Jordan said the committee recognizes that quality of living may be enhanced with a larger size.

Councilor Noonan said that LD 2003 allows some local options, and the public perspective is that we went beyond LD 2003, but we had to make choices on the options and we made a policy decision to increase the maximum size allowed for an ADU. Staff will provide the Town Attorney review of the LD 2003 amendments to Mr. Bell and Mr. Freshley. Councilor Caitlin Jordan wants the options called out at the public forum.

Mr. Freshley suggested a public forum format where we reference the law, how the town will comply, and the process going forward. There will be a presentation with the bulk of the forum for questions and answers. You don't need to use the forum to talk about implications. That is speculative and debatable. Focus on the law and the Housing committee can get into the housing policy discussion.

Chair Jordan wants the forum to include responses to frequently heard questions. For example, she is hearing that 4-unit multifamily buildings will pop up everywhere, which is not true, and we should present the facts. The presentation format should include the key concern/issue at the top of the slide, and then the facts.

Mr. Freshley suggested the presentation include the 3 option areas identified by the town attorney. The purpose of the forum is to understand what is proposed. No one person will answer all the questions. Mr. Freshley will restate each question and then turn to the committee and planner, and whoever knows the answer will respond.

Mr. Freshley asked about emailing questions during the forum. He does not want the planner to be operating the zoom equipment because she needs to be engaged in answering questions. Another staff person will be assigned to do that.

Chair Jordan said she will make the presentation, no longer than ½ hour, then open for questions. The wrap-up should include next steps and an evaluation form that measures if folks learned anything, which will be done at the conclusion of the forum to get the largest number of responses.

Mr. Freshley will draft the forum agenda, and send it to Tom for the committee to review and approve. Tom will help Chair Jordan with the presentation.

Councilor Noonan confirmed that Mr. Freshley would facilitate the questions and answers so everyone gets an opportunity. Mr. Freshley said his default that everyone gets to speak once before there is a second chance. He prefers that a handheld mic be available for attendees

rather than use the podium. Mr. Freshley confirmed that Tom Bell will help with the presentation and he will be the neutral facilitator.

The committee agreed that forum would start with Chair Penny Jordan, who introduces Mr. Freshley, then Chair Jordan makes the presentation, then Mr. Freshley handles the Q and A.

To promote the public forum, Mr. Bell will work with Chair Jordan on a press release, ad in the Cape Courier, and letter to the editor.

Chair Jordan would like to see the Housing Diversity Study Committee (HDSC) survey results sooner than October 16th.

Tim Thompson said the HDSC will get a survey report at their next meeting, but it will not be ready by October 16th. He will ask for preliminary info at the Monday meeting.

Mr. Freshley clarified that the purpose of the forum is not to get opinion on the ordinance amendments, but to clarify understanding of what the amendments say. The request for survey info was then cancelled.

Public Comment

Tom Dunham, 11 Becky's Cove Lane – The LD 2003 amendments should only include what is required. He lived in a 1,200 sq ft. house and 1,100 sq. ft. is too much. We had 3 cars and there is no parking space required, so there will a neighborhood impact. There is no information on stormwater impact, traffic, fire and safety. Density set by the state is wrong.

Tim Thompson – One visual of how a 600, 1,100 ADU fits on a lot would be good. Some neighborhoods have covenants. He has concerns with the multiplex/multifamily change, tear downs and wants the forum to have zoom.

Tom Dunham – You should have Sebago Technics or John Mitchell do a study of ADU impacts and let the citizens decide.

Tim Thompson – It would have been easier if you only did what is required.

Status report

The committee reviewed the draft status report to the Town Council. The committee noted that a public hearing on the amendments had been held in July, and there haven't been significant changes to the draft. The committee agreed to recommend that the Town Council schedule a second public hearing on November 13th, and then consider a vote. This option allows the ordinance amendments to take effect before the January 1, 2024 deadline. The status report will include a recommendation for the Town Council to hold a workshop on or about November 1st.

Next meeting

The committee agreed to meet on October 25th to tweak the amendments based on input at the public forum. The meeting adjourned at 6:40 p.m.