

**Town of Cape Elizabeth
Ordinance Committee Minutes**

December 11, 2024

4:00 p.m.

Town Hall

Members Present: Caitlin Jordan Harriman, Chair
Stephanie Anderson
Jonathan Sahrbeck

Staff: Maureen O'Meara, Town Planner

Minutes

Chair Harriman opened the meeting and asked for a motion on the minutes of the August 19, 2024 meeting. Councilor Anderson made a motion to approve, seconded by Councilor Sahrbeck and the motion passed 3-0.

Public Comment

No member of the public was in attendance.

Meeting Logistics

The committee discussed preferences for meeting schedule and materials. There was consensus that meeting at 4:00 pm was good for now.

Chair Harriman explained her preference for public comment with interaction to a point, and then the committee needs to complete its work. There was agreement with this flexibility.

The committee agreed to keep the hybrid delivery of meeting materials, with an agenda and ordinance text provided in hard copy, and all meeting materials emailed.

Town Center Zoning Amendments

The committee began review of the text of the amendments.

Chair Harriman noted this was adding a section with standards and she was ready to send it to the Town Council.

Councilor Sahrbeck noted the height increase is mitigated by the setback from the road, and Chair Harriman noted this was different from the building examples in Falmouth where the buildings were much closer to the road.

Councilor Sahrbeck reviewed the map depicting the 125' setback and the small number of lots on which the amendments apply. There is not much happening in the Town Center with the current ordinances and this provides some opportunities.

Councilor Anderson said she likes this project, but is concerned with the impact on other lots in the Town Center and a petition drive. These amendments are exactly like 2 years ago.

Chair Jordan noted these amendments only apply to a few lots.

Councilor Sahrbeck responded to the suggestion of using contract zoning instead. A key element of contract zoning is substantial public benefit. What does that mean? If any provision of housing meets that standard, there is potential for abuse of contract zoning. These amendments reflect the financial realities of development in the Town Center and a uniform treatment is more transparent. The 125' setback protects the town from the Falmouth look and still provides options for the 1934 middle school building if it becomes available for reuse.

Councilor Anderson said she is concerned this is too similar to the town center amendments a few years ago that were repealed. Councilor Sahrbeck said he doesn't want to be held hostage; these amendments are a good compromise and a lot has changed in 3 years.

The committee reviewed the current uses on the lots that would be eligible for the proposed zoning amendment changes.

Councilor Sahrbeck asked about the rationale behind a petition to repeal, and Councilor Anderson said there is concern with the 2.5 times density. Ms. O'Meara explained that the 2.5 density bonus applies to base density and this provision is separate from base density.

Councilor Anderson explained that the Housing Diversity Study Committee, of which she was a member, through its work exposed that no project will "pencil out" if there is a requirement for first floor commercial.

Councilor Anderson made a motion to send the amendments to the Town Council for consideration, seconded by Councilor Sahrbeck, and the motion passed 3-0.

Next meeting

Councilor Anderson wants to follow up on the Shore Road parking study and the results of the interim measures.

Chair Harriman directed staff to ask Public Works Director Jay Reynolds when he would have the study complete, and then a meeting will be scheduled.

Councilor Anderson referenced emails received regarding safety and enforcement on Mitchell Road. Chair Harriman said that the Town Council needs to make a referral to the Ordinance Committee before we would take up that issue.

The meeting adjourned at 4:45 p.m.