

**Town of Cape Elizabeth
Ordinance Committee Minutes**

October 26, 2020

7:00 p.m.

Remote meeting

As a result of the COVID-19 virus, the Ordinance Committee conducted the meeting via remote access as provided by Maine law. The Ordinance Committee used Zoom meeting to conduct the meeting and allowed the public to remotely attend and participate. Zoom allowed all Ordinance Committee members and members of the public to hear all discussion and hear votes, which were taken by roll call, as required by law. A meeting link was provided to access the meeting by video/audio.

Present: Penny Jordan, Chair
Jamie Garvin
Chris Straw

Staff: Maureen O'Meara, Town Planner, Chief Paul Fenton

Councilor Penny Jordan called the meeting to order. The minutes of the October 5, 2020 meeting were approved 3-0.

Public Comment

No one wanted to comment on items not on the agenda.

Short Term Rental Amendments status

Chair Jordan introduced the discussion noting the Planning Board Short Term Rental (STR) amendments public hearing scheduled for November 17th and that the amendments will likely not be adopted before the end of the year, when the moratorium ends. Should other action be taken?

Councilor Garvin reviewed that the current moratorium applies to new STR permits and there would be no harm to extend that. The Planning Board did not appear to be making substantive changes.

Chair Jordan suggested substantive changes may be offered, such as a set STR period each year.

Councilor Garvin asked about the duration of the moratorium extension and it was agreed to extend it for a longer period, such as 6 months, than may be needed and then end it early when the new ordinance amendments are adopted.

The committee generally agreed that extension of the moratorium should appear on the Town Council agenda for action.

Fence Regulations

Chair Jordan reviewed the discussion from the last meeting and review of the draft amendment.

Councilor Garvin repeated that is it possible the full Town Council will not support this. Councilor Straw said the draft was fine.

The committee voted 3-0 to recommend the fence regulations to the Town Council for consideration.

Kettle Cove/Cliff House Beach Park Parking amendments

Chair Jordan explained that these will be discussed together because there is a larger impact that could include other parts of town, especially areas with shoreline access and paths.

Councilor Straw concurred on a combined discussion. He noted that at Kettle Cove Rd, there is a no parking sign and this should be standardized for other waterfront areas.

Councilor Garvin agreed with a combined discussion. He wants to affirmatively designate parking so that the default is no parking.

Chief Fenton noted that the Kettle Cove neighborhood has longer driveways to accommodate residential parking. On Seaview Ave, parking limits will also limit access to a public beach and some folks have supported more inclusiveness. Once you limit parking, it will go elsewhere.

Chair Jordan wants to treat areas with the same characteristics using a common perspective. She would support doing an inventory of these places, and Ms. O'Meara suggested that agreement on the characteristics be done to do the inventory.

Councilor Straw observed that parking is allowed at Pond Cove, but at Trundy Point there is a blind curve, so what happens when there is parking? Chief Fenton supplied that there is a parking increase in both locations, and it may only last during Covid or part of a pattern. Are these conditions temporary or permanent?

Councilor Garvin suggested he can count a handful of places, like Great Pond/Fenway and Seaview, that can accommodate some parking and most others can't based on what we learned this summer. There is a short list of safe parking available.

Tom Mikulka, 4 Mountainview Rd, gave a powerpoint presentation on a survey conducted by the neighborhood near Cliff House Beach Park. The survey was developed and collated by the neighborhood, with 496 notices of the survey mailed by the town. The survey had 133 responses from 37 streets. Questions 2-5

focused on impacts to neighborhood character, traffic, less use by the neighborhood and more use by out-of-staters. Questions 6-9 looked at solutions. Respondents supported parking restricted to Cape residents and installation of bike racks, and did not support a Shore Rd designated non-resident parking or a loading/unloading area. Mr. Mikulka summarized the neighborhood supporting no parking adjacent to the "Owens peninsula" [one side parking on portions of Seaview Ave and Glen Ave], summer parking for Cape residents only, installation of bike racks, assess parking in other Cape neighborhoods, and hold another workshop.

Chief Fenton has spoken with the Scarborough Police Chief regarding parking at Higgins Beach. There are similar issues with a high volume of traffic, so they limit parking to 2 hours and also have a large parking lot and full-time reserve officers for enforcement. Cape has these challenges all over town.

The committee asked about other areas with challenges and Chief Fenton noted Broad Cove, where kids were finding a way to access small beaches. When Fort Williams was closed, he received complaints about parking in adjacent neighborhoods. Chair Jordan asked about the end of Two Lights Rd/Lobster Shack and Chief Fenton said this area also had concerns, often with spacing. There were problems with traffic backing up at Kettle Cove Rd. Every water access experienced more use.

Councilor Straw found the drop-off area interesting and expected that drop off at Seaview/Glen Ave intersection will increase. He dreams of a connection from the South Portland Greenbelt at Spring Point to Cape/Shore Rd, rehabbed with sidewalks and bike lanes, per the concept plan presented to the Town Council, so he does not support parking on Shore Rd.

Councilor Garvin thanked the neighborhood as collaborators and expects there can be parallel treatment for Casino Beach, Cottage Ln, etc. Seaview Ave as a dead end complicates things. He likes the bike racks.

Chair Jordan appreciates a comprehensive list of impacts areas. How do we manage more people coming to enjoy Cape's assets? We should define and then solve the problem.

Councilor Garvin referenced the narrow roads definition used for establishing an Oakhurst neighborhood speed limit. This may be a blueprint for other neighborhoods. We can seek a solution for a known problem, and then look at the broader picture.

Councilor Straw noted the existing ordinance restricts parking to residents on Maiden Cove, Garden Circle, so we can use the same treatment at Seaview Ave. If we proceed with the current draft, there is an inconsistency.

Committee members noted that Maiden Cove and Garden Circle are especially narrow year round.

Chair Jordan would like to drive around town before making broad changes.

The committee proceeded to review the draft amendments. They discussed the watercraft definition, and mentioned Fish and Wildlife regulations. The committee agreed that parking access should be limited to watercraft that need a trailer to launch, so canoes and kayaks were removed from the watercraft definition.

In response to a question, Chief Fenton explained that his officers enforce Kettle Cove parking limitations when they receive a call. It is difficult to enforce without the trailer or his officers witness a boat launch. Ms. O'Meara reported that she spoke with Kurt Shoener, Crescent Beach State Park, and he said state park employees will swing down Kettle Cove 1-2 times a day, but has had staff cutbacks so they have less capacity to augment enforcement.

The committee agreed to reorganize definitions into alphabetical order, and did not object to adding headers for each section.

Ms. O'Meara noted that the draft sent in the meeting package had inadvertently left out the Glen Ave recommendation, which was corrected and sent today. The committee supports the recommendation and bike parking proposal.

Chief Fenton said the one-side only parking is for emergency access and he was able to "pressure test" it this summer. Chair Jordan asked about issues at Maiden Cove and Chief Fenton said there are calls about parking on Shore Rd, but rarely violations.

Chair Jordan summarized that there will be more public comment allowed at the next meeting. The revised draft will be reviewed. She would like to address other areas with similar problems, potentially Great Pond, Two Lights Terrace and the Lobster Shack, now or pull in at a later date.

Asked about conditions at the end of Two Lights Rd, Chief Fenton said the dirt lot is owned by the Coast Guard and problems are violations based rather than regulation revisions.

Councilor Jordan asked about Broad Cove and Chief Fenton said access issues are a by-product of Covid. For example, in Broad Cove kids were seeking a way to the beach. At Great Pond, there was nothing to address except a mistaken assumption that the "other side" should be no parking. On Charles E. Jordan Rd, the complaint has been pedestrians in the road. The Police Department is addressing that with focused patrols, similar to what we did at Cliff House Beach Park. Councilor Straw asked if Charles E. Jordan Rd is public (it is). Chief Fenton noted that near the intersection with Bowery Beach Rd, parking is prohibited, but that just pushes parking further down the road.

Tony Owens, Seaview Ave - He would like a site visit. This should be a workshop format so that we can have a conversation like this deserves. The zoom format is limiting and we are not in a big rush.

Chair Jordan likes an exchange and attendees should raise their hand at any time. She will visit Cliff House Beach Park. Councilor Straw questioned the opposition to the drop-off and the response was concern with enforcement and abuse of time limits.

Next meeting

The committee agreed to hold its next meeting on Thursday, November 19th beginning at 7:00 p.m. The agenda will include more discussion of the Traffic Ordinance Amendments and also review of Site Plan regulations on small businesses. The meeting adjourned at 8:41 p.m.