

Mike Hill <mhill@monaghanleahy.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Tue, May 18, 2021 at 10:13 AM

Hi Maureen,

I reviewed the amendments over the weekend and am comfortable with the changes suggested by Drummond Woodsum. I found their suggested changes clarify the language in several instances. For example, it makes sense to me to use the HUD definitions of low and moderate incomes because although Maine State Housing Authority currently bases its definition on the HUD numbers, if that practiced changed in the future, then the federal low-income tax credits could be jeopardized.

I had a question on page four, line 15 on the attached. Is the intent to have 1 unit per 1,500 square feet; down from the current 1 unit per 3,000 square feet? If so, I would recommend adding "1 unit per" in front of "1500 sq. ft."

My only other comment is with respect to off-street parking. I don't see a limit to the reduction in the off-street parking requirements if the proposed development has at least 70% of its units affordable to low-income families. That's fine. I understand that the Town Council may want to give the Planning Board maximum flexibility with respect to this standard. I would recommend, however, that the Town Council reference the "ITE Parking Generation Manual or data of actual parking demand of similar uses" as is done in Section 19-7-8 B. f. Otherwise there is the potential that someone could argue that this section of the ordinance improperly delegates a legislative function to the Planning Board. Therefore, I would recommend adding an additional sentence to the end of subsection 4. a. as follows: "In deciding whether to reduce the off-street parking requirements pursuant to this subsection, the Planning Board shall base its decision on the ITE Parking Generation Manual or data of actual parking demand of similar affordable housing developments."

Please let me know if you have any questions.

Best,

Mike

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