

**CAPE ELIZABETH TOWN COUNCIL MEETING**  
**Special Meeting # 3-2006**  
**Monday, January 23, 2006**  
**Following 7:30 p.m. Town Council Workshop**

		Present	Absent
David J. Backer, Chairman	2 Rugosa Way	X	772-5845 ext 122 12/2006
Cynthia Dill	1227 Shore Road	X	767-7197 12/2008
Carolyn M. Fritz	1 Stirrup Road	X	767-3737 12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	232-1048 12/2007
Paul J. McKenney	5 Katahdin Road	X	899-0045 12/2007
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552 12/2006
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754 12/2008

Manager Michael McGovern X  
Town Clerk Deborah Cabana X

Council Chairman David J. Backer convened the meeting at 9:26 p.m.

Item# 38-2006      **Neighbors for Sensible Development**  
Moved by M. Mowles and Seconded by C. Dill

Ordered the Cape Elizabeth Town Council set a Public Hearing for Monday, February 13, 2006 at 7:30 p.m. in the Town Hall Council Chambers, 320 Ocean House Road, Cape Elizabeth, ME to consider the proposed citizen petition, by Neighborhoods for Sensible Development, requesting a zoning ordinance amendment to limit short-cuts between major roads using developed local residential streets.

(7 Yes)

**Adjournment**

Moved by M.A. Lynch and Seconded by M. Mowles  
Ordered the Cape Elizabeth Town Council adjourn at 9:31 p.m.

(7 Yes)

Respectfully submitted,

Deborah S. Cabana  
Town Clerk

**CAPE ELIZABETH TOWN COUNCIL MEETING**

**Regular Meeting # 4-2006  
Monday, February 13, 2006**

		<b>Present</b>	<b>Absent</b>
<b>David J. Backer, Chairman</b>	<b>2 Rugosa Way</b>	<b>X</b>	<b>772-5845 ext 122 12/2006</b>
<b>Cynthia Dill</b>	<b>1227 Shore Road</b>	<b>X</b>	<b>767-7197 12/2008</b>
<b>Carolyn M. Fritz</b>	<b>1 Stirrup Road</b>	<b>X</b>	<b>767-3737 12/2006</b>
<b>Mary Ann Lynch</b>	<b>2 Olde Colony Lane</b>	<b>X</b>	<b>232-1048 12/2007</b>
<b>Paul J. McKenney</b>	<b>5 Katahdin Road</b>	<b>X</b>	<b>899-0045 12/2007</b>
<b>Michael D. Mowles, Jr.</b>	<b>423 Ocean House Road</b>	<b>X</b>	<b>741-2552 12/2006</b>
<b>Anne E. Swift-Kayatta</b>	<b>14 Stone Bridge Road</b>	<b>X</b>	<b>767-5754 12/2008</b>
<b>Assistant Town Manager Debra Lane</b>		<b>X</b>	
<b>Town Clerk Deborah Cabana</b>		<b>X</b>	

**Pledge of Allegiance to the Flag**

**Minutes of Meeting #2-2006 held January 9, 2006 and Meeting #3-2006 held January 23, 2006.**

Moved by M. Mowles and Seconded by A. Swift-Kayatta

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting #2-2006 held January 9, 2006, as presented.**

**(7 Yes)**

Moved by A. Swift-Kayatta and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting #3-2006 held January 23, 2006, as presented.**

**(7 Yes)**

**Citizens Discussion of Items Not on the Agenda -**

Frederic L. Thompson expressed concern about his grandparent's former home (known as the Rines Home) located at 7 Cragmoor. The new property owners are in the process of demolishing the existing building to replace it with a new structure. He asked that Cape Elizabeth consider a historic preservation ordinance.

**Presentation of 2005 Ralph T. Gould Award to Nancy H. Miles**

*There was a reception at 7:00 p.m. in the William H. Jordan Conference Room in honor of Nancy H. Miles, the 2005 Ralph T. Gould Award recipient.*

*Chairman D. Backer presented the Ralph T. Gould Award to Nancy H Miles.*

**Reports and Correspondence - None**

**Town Manager's Report** – Assistant Town Manager Debra Lane noted that the Town Manager was absent from the meeting.

**Public Hearing: Citizen Petition to Amend the Zoning Ordinance  
Prohibition of Certain "Short Cut" Connectors on Local Streets**

Chairman D. Backer outlined the procedures to be adhered to during the public hearing. He invited a primary speaker (a proponent and an opponent) to give a presentation lasting no longer than 20 minutes. Others in the audience who wished to speak were requested to state their name and address and to keep their comments to a maximum of 3 minutes.

The Public Hearing opened at 7:57 p.m.

*Richard Bryant of 55 Spurwink Avenue* is the primary proponent of the proposed petition. He outlined the proposed petition and explained why he felt it was necessary.

*Lyndon Keck of 67 Field Road, Cumberland and 42 Columbus Road, Cape Elizabeth* – finished the last 5 minutes of the proponent’s presentation to the Town Council

*Jim McFarlane of 4 Belfield Road* – is the developer of Spurwink Woods. He explained why he is opposed to the proposed citizen petition.

*Philip Nedwell of 5 South Street* – supported the proposed petition. He was concerned that connecting roads were not to town standards.

*Jean Scott of 1 Stephenson Street* – supported the proposed petition. She felt that Spurwink Road had a dangerous turn.

*Peggy Hunter of 67 Columbus Road* – supported the citizens being able to vote for the referendum.

*Miranda Newman of 13 Hamlin Street* – supported the proposed petition. She was worried about her little sister and her dog.

*Joseph Jones of 46 Columbus Road* – supported the proposed petition. He was offended that he received a letter from the developers because he had signed the petition.

*Holly Hoffman of 42 Columbus Road* – supported the proposed petition. She moved from Baltimore in 1997. Families are not safe with “cut throughs” and they damage property values.

*Sharon O’Neill of 56 Columbus Road* – supported the proposed petition. She has lived in Cape Elizabeth for 7 years. The proposed ordinance will protect the quality of life.

*Hank Andolsek of 7 Columbus Road* – supported the proposed petition because it protects his quality of life.

*Becky Fernald of – 313 Mitchell Road* – supported the proposed petition. She recently moved so that she could enjoy the safety of house on a dead-end street.

*Paul Bulger of 8 Lydon Lane* – is a business and real estate lawyer. He opposed the proposed petition. Planners believe in connectivity and the town’s policy should be based on a rational decision.

*Ann Layton of 32 Columbus* – supported the proposed petition. She felt that people should have a “choice” to live on a dead-end street.

*Frank Butterworth of 21 Mcauley Road* – supported the proposed petition.

*Lisa Cioe of 1 Stephenson Street* – supported the proposed petition. A 40 year resident in Cape Elizabeth and wants a safe street.

*Ted Foden of 23 Ivie Road* – previously lived on Columbus Road and was eager to move to his current address because of heavy traffic flow.

*Priscilla Armstrong of 18 Avon Road* – supported the proposed petition and urged the Town Council to send it to the voters.

*Tom Egan of 41 Hannaford Cove* – had also received a letter from the developer. He knew the developers and they were good people. Mr. Egan asked a few questions about the town attorney's role in reviewing the proposed petition.

The Public Hearing closed at 9:10 p.m.

**Item# 39-2006            Citizen Petition**

Town Attorney Thomas Leahy was present at the meeting to answer questions relative to his role and the proposed citizen petition.

Moved by A. Swift-Kayatta and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council defer action on the citizen petition to the March 13, 2006 Town Council meeting.**

(7 Yes)

**Item# 40-2006            Proposed Amendment to the Zoning Ordinance-Bisected Lots**

Moved by M. Mowles and Seconded by C. Dill

**Ordered the Cape Elizabeth Town Council schedule a public hearing on Monday, March 13, 2006 at 7:30 p.m. at the Cape Elizabeth Town Hall for the proposed Zoning Ordinance amendment regarding bisected lots.**

(7 Yes)

**Items # 41-51 2006 Fort Williams Park Use Approvals**

**# 41-2006 Cape Elizabeth Little League per January 3, 2006 letter**

**# 42-2006 Pond Cove School Field Days- June 8, 9, 12 and 13**

**# 43-2006 CEHS Commencement Practice- June 6 and 7**

**# 44-2006 CEHS Commencement- June 11**

**# 45-2006 Family Fun Day- June 17**

**# 46-2006 Portland Amateur Wireless Field Day-June 24-25**

**# 47-2006 Portland Symphony Orchestra- June 30**

**# 48-2006 TD Banknorth Beach to Beacon Setup- August 3-4**

**# 49-2006 9<sup>th</sup> Annual TD Banknorth Beach to Beacon 10K- August 5**

**# 50-2006 Monhegan Island Race Finish Line Overlook- August 12-13**

**# 51-2006 Engine Company One Art Show- Sept. 3- Rain date of 9/4**

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Regular Meeting # 5-2006**  
**Monday, March 13, 2006**

		Present	Absent
David J. Backer, Chairman	2 Rugosa Way	X	772-5845 ext 122 12/2006
Cynthia Dill	1227 Shore Road	X	767-7197 12/2008
Carolyn M. Fritz	1 Stirrup Road	X	767-3737 12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	232-1048 12/2007
Paul J. McKenney	5 Katahdin Road	X	899-0045 12/2007
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552 12/2006
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754 12/2008
Town Manager Michael McGovern		X	
Town Clerk Deborah Cabana		X	

**Pledge of Allegiance to the Flag**

**Presentations: Nordic Ski Teams State Championships**

*Chairman D. Backer* presented an award to the Cape Elizabeth Boys and Girls Nordic Ski Teams, recognizing their State Championships.

*Charles Kennedy and Hagos Tsadik of P.R.O.P.* – made a presentation to the Town of Cape Elizabeth, recognizing the People’s Regional Opportunity Program’s 40th anniversary, and their appreciation of Cape Elizabeth’s dedication to children, families and seniors of this community.

*Nick Daly and Natasha Barritt, High School Representatives to the Town Council* – expressed their concern with the proposed budget spending cap of 3.4% and the negative impact it would have for the high school students.

**Reports and Correspondence**

*M. A. Lynch* – noted that Cape Elizabeth hosted the Regional One-Act Play Festival. Cape Elizabeth was chosen to advance to the state finals.

**Town Manager’s Report - None**

**Minutes of Meeting #4-2006 held February 13, 2006**

Moved by P. McKenney and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting #4-2006 held February 13, 2006, as presented.**

(7 Yes)

**Citizens Discussion of Items Not on the Agenda -**

*Mary Townsend of 5 Pearl Street* – spoke on behalf of a large group of citizens who were present at the meeting, who opposed the 3.4% budget spending cap. They felt the limit would have a negative impact on the Cape Elizabeth schools with the potential of depreciating property values. They asked that the Town Council consider revising their previous promise to limit spending to the inflation rate of 3.4%.

*Bill DeSena of 11 Wainwright Drive* - was concerned with the proposed 3.4% limit. He suggested alternative solutions to raising taxes, such as implementing fees at the Fort Williams Park. He thought this would provide for better schools and retain the value of homes.

*Karen Abbott – first grade teacher at Pond Cove School* – spoke of how the proposed budget limits would affect the schools and asked the Council to revoke the 3.4% spending cap.

*David Weatherbie of 14 Stonegate* – stated that the school budget has been continuously reduced over the last several years and could not be reduced any further. He stated that he and other concerned citizens would not be silent any longer. He requested that the Council reconsider the commitment of the 3.4% spending cap.

**Public Hearing: Proposed Amendment to the Zoning Ordinance-Bisected Lots**

The Public Hearing opened at 8:08 p.m.

*Richard Bryant of 55 Spurwink Avenue* – stated that the only reason this amendment was being considered was to make the Spurwink Woods development possible. He asserted that it was bad public policy and exacerbates the short-cut traffic issue.

*Jim McFarlane of 4 Belfield Road* – is the developer of Spurwink Woods. He stated that it did not matter to him which way the Town Council decided regarding this amendment.

*Hank Andolsek of 7 Columbus Road* – urged the Council to implement a six month “hold” on any further approval of this project because there were too many unresolved issues. He felt that consideration of adjacent property owners has been seriously missing in this subdivision process.

*Paul Catsos of 33 Columbus Road* – requested that the Town Council not accept the proposal.

*Larry Sterne of 1 Columbus Road*– remarked that the proposed development would have a massive effect on his property in that he would lose his front yard. He felt that this proposal had been rushed through with no consideration on how it would impact the neighbors.

*Bill Bamford of 112 Spurwink Avenue* – spoke in favor of the proposed amendment. This would give more options to consider for possible future development of Maxwell Farm.

The public hearing closed at 8:21 p.m.

**Item# 64-2006 Proposed Amendment to the Zoning Ordinance-Bisected Lots**

Town Planner Maurcen O’Meara was present at the meeting to answer questions.

C. Fritz, C. Dill and M.A. Lynch (Ordinance Committee Members) recommended approval of this proposed amendment.

Moved by M. A. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the adoption of the proposed amendment to the Zoning Ordinance regarding bisected lots.**

(7 Yes)

**Item# 65-2006      Citizen Petition Re: Short-Cuts**

Moved by M. A. Lynch and Seconded by A. Swift-Kayatta

**Ordered the Cape Elizabeth Town Council send the citizen petition regarding short-cuts, as modified by the Town Attorney in his March 3<sup>rd</sup> letter, for a public vote on June 13, 2006.**

(7 Yes)

Moved by M. Mowles and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council adopt the citizen petition regarding short-cuts, as modified by the Town Attorney in his March 3<sup>rd</sup> letter.**

(2 Yes – M. Mowles and C. Fritz) (5 No)

**Item# 66-2006      Conditional Municipal Acceptance**

**Spurwink Woods Roads, Open Space and Easements**

Town Planner Maureen O'Meara was present at the meeting to answer questions.

*Richard Bryant of 55 Spurwink Avenue* – felt that the Town Council should not grant conditional approval at this time.

*Paul Driscoll, spoke on behalf of the developers of Spurwink Woods* – explained that conditional municipal approval of the proposed extension of South Street, Franklin Circle and Chicory Way, the proposed acceptance of 10.48 acres of open space and various easements is being requested. The standard procedure is for the Town Council to consider the conditional approval at this time and final acceptance occurs after the Planning Board grants final approval and the roads, trails, drainage and sewer structures are completely built to municipal standards.

Moved by M. Mowles and Seconded by P. McKenney

**Ordered the Cape Elizabeth Town Council adopt the conditional municipal acceptance of Spurwink Woods Road, Open Space and Easements.**

(5 Yes) (2 No – C. Fritz and D. Backer)

**Item# 67-2006      Proposed Amendment to the Subdivision Ordinance**

Councilor M. A. Lynch explained this proposed amendment clarifying the Planning Board's discretionary authority relating to traffic calming measures and giving the Planning Board the right to narrow the current minimum width of streets from 22 feet to 20 feet.