

**Town of Cape Elizabeth
Ordinance Committee Minutes**

March 23, 2022

6:30 p.m.

Remote

Public proceedings by remote access for Town Council meetings are authorized by the Town of Cape Elizabeth's Remote Participation Policy adopted August 30, 2021 and the Order Declaring a Limited Emergency extended to June 30, 2022.

Members Present: Penny Jordan, Chair
Caitlin Jordan
Gretchen Noonan

Town Councilors: Nicole Boucher, Tim Reiniger

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order at 6:30 p.m.

Minutes

The committee deferred review of the minutes to the next meeting to conserve time for the remaining agenda items.

Public Comment

No members of the public present wished to speak.

Housing Diversity Study Proposal interviews

Chair Jordan explained that 7 proposals had been received and interviews with 5 firms who have experience with housing studies have been scheduled tonight to make the best use of people's time. We can bring in the other 2 firms if desired after completing tonight's interviews.

The committee discussed questions that would be posed during interviews, referencing the sample questions and other questions prepared by members and guest councilors, as follows:

Councilor Boucher: What challenges do you anticipate with the study, bottlenecks, etc?

Councilor Noonan: Are you familiar with state affordable housing legislation under consideration and will you incorporate that into your work?

Councilor Penny Jordan: Do you have slack in plan/can you deliver on schedule?

Chair Jordan asked about references. Ms. O'Meara contacted references for tonight's interviewees and heard back from the reference from Crane and Dovetail, LLC. Both references were positive, Dovetail very positive.

The committee began interviewing 5 firms who submitted proposals.

6:45 Camoin Associates

Tom Dworetsky and Dan Stevens represented the firm. Jim Damicus is a senior Vice-President in Scarborough and the firm is very familiar with the Maine market. Their work will be grounded in data. Housing supports the economy and they will deliver a study that will lead to implementation.

Chair Jordan asked if the firm is comfortable with the study focus on data, where a later step will be citizen engagement?

Mr. Dworetsky said they have done studies both ways and either is fine. The next phase may require refining goals included in this study.

Chair Jordan asked about the project timeline and built-in slack for unexpected challenges?

Mr. Dworetsky understands the timeline is critical. Meeting dates should be set at the beginning of the project, and the timeline is aggressive but doable and they have the staff to do it.

Councilor Noonan asked about pending state legislation and ability to incorporate it into the study?

Mr. Dworetsky noted that he is keeping abreast of the legislation as part of his work with Carrabassett Valley. Dan Stevens confirmed they are keeping tabs on it and are hearing from developers.

Councilor Caitlin Jordan asked if they can provide reports a week in advance of scheduled meetings in a form for public review?

Mr. Dworetsky said yes. They provide digestible summaries with methodology and data in the appendix. They have templates which makes them efficient.

Chair Jordan asked about the cost of add-ons? Mr. Dworetsky described stakeholder outreach in Task 1, which could be done in 1-2 months.

Councilor Boucher asked about any specific challenges they anticipate?

Mr. Dworetsky said the RFP presented 3 straight-forward tasks. Task 2 may require more analysis based on the discussion at the meeting.

Chair Jordan asked if the work would include delving into town ordinances and identifying barriers and Mr. Dworetsky confirmed it would.

Chair Jordan asked about projects they have done for communities with demographics similar to Cape? Mr. Dworetsky responded Kennebunkport and Mr. Stevens noted similarities with Lake Placid. The firm has planned for 2 virtual and 3 in-person meetings.

7:15 Utile with Outwith studio

John McCartin made the presentation, with Matthew Little, Andrea Baena, Gabriel Ramos, and Rahi Patel.

Councilor Reiniger asked about how the work with Beverly and Beverly Farms relates to Cape Elizabeth? Mr. McCartin said there is an overlap.

Mr. Littel said they are a 75-person firm with a commitment to Justice, Equity and Inclusion as broad themes that are adapted to the uniqueness of each town. They have a full suite of tools that include graphics and design. Mr. McCartin noted existing Cape housing stock and the challenge of grafting affordable housing needs to the existing stock. They will measure supply, demand, etc and use housing typologies.

Chair Jordan noted that the project has a data centered focus and you are overlaying schematics? How do you get to data?

Mr. McCartin said they will provide the typical data, use some proprietary data sources, but this can be cut and dried so they will also have a geospatial piece, leaning on town data. They will find typical parcels and do test fit exercises.

Chair Jordan concluded that they take the data and bring it alive and Mr. Littel concurred, plus they can reverse that to look at impacts. The process visualizes diverse housing types.

Councilor Noonan liked the schematic of policy interventions, with choices and feasibility ranked. Are they able to incorporate pending state legislative changes?

Mr. Littel agreed that can be done and Mr. McCartin confirmed it is included in scope.

Councilor Caitlin Jordan asked if they can meet the deadlines of the aggressive schedule and provide materials a week before the meeting?

Mr. McCartin agreed the schedule is aggressive but manageable, but if they layer on additional public participation, then it is not feasible. Since the study is more technical, they have the capacity and will bake in the schedule deadlines.

Chair Jordan asked if there are project challenges?

Mr. McCartin said the data work is easier when the town has data and he has looked at the town's GIS portal. A destabilizing element is how this project fits into other town processes.

Mr. Littel concurred that decision-making at the town level is hard to predict, but the data collection is straight-forward. Mr. McCartin said the housing goals [task 2] is a political decision and the least predictable.

Councilor Reiniger asked about analogies of Cape to Portland/South Portland and Beverly, Beverly Farms, Nahant and Lynn when siting affordable housing. Mr. Littel substituted Swampscot to Lynn rather than Nahant, perhaps Hyannis.

7:49 Urban Partners

Isaac Kwon made the presentation, with Jim Hartling (part-time Chebeague Island resident), Chris Lankenau.

Mr. Kwon emphasized the four skill sets of data, stakeholders, planning and economic development and they see places, not just numbers. Housing supports the economy, "Housing is where jobs live at night." He noted work done with Massachusetts communities to meeting the 40B 10% affordable requirement and shared preliminary profile data of Cape Elizabeth.

Chair Jordan asked if he is comfortable with the data focus of the study?

Mr. Kwon confirmed his firm can handle data, have reviewed the 2019 comp plan, and will refresh that information and also look at current sales records, etc. Mr. Lankenau expanded that rental market data is local, so they will combine census and research on the ground.

Councilor Noonan asked about the ESRI tapestry data and if the proposal can incorporate pending state legislation?

Mr. Kwon confirmed they can be up to speed on state and county activity and delve into the state actions' impact on the market. Mr. Hartling has a 30 year relationship with Maine, aware of Yarmouth and Cumberland affordable housing. We will work with the town's priorities.

Councilor Caitlin Jordan liked the presentation and asked about the aggressive schedule and ability to make data available a week before each meeting?

Mr. Kwon said they are used to working with larger data sets so this is not a heavy lift. They will show data in a format the public will understand, use executive summaries, and online versions hosted on the ESRI site.

Councilor Boucher asked about challenges in the project?

Mr. Kwon said gaining meaningful input is challenging so they will rely on the Town Council, town staff to provide a stakeholder list, because data can be understood with stories.

Councilor Reiniger asked how the town's proximity to South Portland and Portland factors into the study?

Mr. Hartling said that is determined by the community objective. For example, the town's children's librarian lives in Portland. Is that critical to you? The price bar is rising everywhere and we get policy guidance from you.

Chair Jordan asked about projects with similar demographics?

Mr. Kwon acknowledged that their projects are not similar in scale, but their experience is that housing has fundamentals that carry across communities.

Mr. Hartling noted a project in Swarthmore, PA with similar high demographics, so we understand the dynamics.

8:20 Crane Associates

Mike Crane made the presentation with Jeff Carr of Economic and Policy Associates.

Mr. Crane is a planner and Mr. Carr has 25 years of forecasting experience for the State of Vermont. They have the staff to do the project and he is 80% complete with the South Portland study. They have done work with high income communities such as Stowe, Vermont and Falmouth, Maine. They have already completed the population forecast for Cumberland County and understand the top down and bottom up population prediction challenges. We will add in the forecasts you didn't request.

Chair Jordan asked if they are comfortable with the data focus of the study?

Mr. Crane said they are economists and naturally data driven. South Portland is overwhelmed with the data we have provided and it is difficult for the public to understand.

Mr. Carr expanded that they like the public to see the data and test it. We will rely on the committee.

Councilor Noonan clarified that the consultants can talk to people, but the project is organized as a 2-phase with data in phase 1, then public participation as a focus in phase 2. She asked if there is space in the proposal to incorporate possible state legislation changes?

Mr. Crane that he is informed of state legislation through his work with South Portland and they can modify work to incorporate state laws. He will update data for South Portland, and also for Cape.

Councilor Caitlin Jordan asked about meeting the aggressive schedule and providing information a week before the meeting?

Mr. Crane said they have no other contract right now and can start work tomorrow. The county forecast is done and they can get the state data within 2 months, which is the basis. Mr. Carr referenced using the American Community Survey and 2020 Census, plus there are global events that may need to be factored in. Mr. Crane said they will meet with staff anytime and can meet the 1 week deadline.

Councilor Boucher asked about any challenges with the project?

Mr. Crane said this is a new town for him to work with and he is used to working with curve balls. Public meetings tend to be the challenge.

Mr. Carr noted that as Covid goes from pandemic to endemic, we will need to see how permanent are the changes driven by Covid, such as evolving and remote work, in-migration, and home buyers in your community. The potential for borrowing rates to rise may spur more home purchases to avoid the rate increases, further increasing home costs.

Mr. Crane said he read the comp plan. It was well-written, took time and he will update the data ten years into the future. The town has 300 empty lots, and with 12 new housing units predicted each year (subject to change), some will be affordable.

8:45 Dovetail LLC

Andy Jackson of Dovetail LLC made the presentation, joined by Jen Dionne and Brandon Simpson of the Signal Group, and Jeff Levine of Levine Planning Strategies.

Jen Dionne, the Signal Group, South Portland, began the presentation by describing the market analysis. The Signal Group has expertise with completing the forms/analyses for Low Income Housing Tax Credits for Maine, New Hampshire and many states nationally.

Jeff Levine is a professor at MIT, has done many housing studies, and has experience with municipal planning in Brookline, MA, Somerville, MA and Portland, Maine.

Andy Jackson has expertise with affordable housing development, and worked with the Szanton company until 2019 as a program manager. This team brings strong data, analytical skills and understanding of how affordable housing is financed and created under different programs.

Chair Jordan asked if the group is comfortable with the data first approach, then public engagement as the next step?

Ms. Dionne explained the sources of data that would be used, including ESRI, income bands and then doing their own surveys to gather rental data.

Councilor Noonan noted the group is very aware of possible state legislation and can that be incorporated into this project?

Mr. Levine noted state legislation is still in flux. They will look at ideas that will come from the data and how the town wants to respond.

Mr. Jackson noted that Mr. Levine is a coauthor of the state affordable housing commission report, is familiar with LD 2003, and the group is based on southern Maine, so they are familiar with the construction market, etc. Mr. Levine noted that there is other affordable housing legislation under consideration.

Councilor Caitlin Jordan noted the schedule and asked if information can be provided that is digestible to the public a week before the meeting?

Mr. Jackson noted that Task 1 is front loaded with data and May 1st may a tight deadline when they would recommend 8 weeks from engagement. Ms. O'Meara confirmed that if they were retained April 12th, they could then deliver Task 1 for June 12th? Mr. Jackson agreed and that they could still deliver the complete study by the August 30th deadline.

Chair Jordan noted that the town is also forming an affordable housing committee that will use the output from the study. Brandon Simpson explained that the rental cost data will be determined with surveys and it will take a little longer to obtain sufficient data responses, which is why the first task will take more time.

Councilor Boucher asked about project challenges?

Mr. Jackson predicted that the political process and recommendations that not everyone will want to hear will be challenging. Task 2 goal setting may be difficult given the project sequence before public participation.

Mr. Levine suggested there are more opportunities than obstacles. This is a good time to do a housing plan and the town may end up with a much better plan with less divisiveness.

Councilor Reiniger asked about the Brookline, MA experience and how it relates to Cape's proximity to South Portland, or the relationship to Beverly and Beverly Farms, MA.

Mr. Levine noted Cape is part of a larger regional market, which is more complicated. The town can look at this locally by asking if current residents can afford to remain in town, maybe if people who work in town can afford to live in town? You can be proactive to see what fits in and what works.

Chair Jordan asked the group if they can bring a diverse view since they are Maine-centric?

Mr. Jackson explained that he moved to Maine from New York City 10 years ago. The Signal group works in many states (Brandon is licensed in several states) and Mr. Levine can tap into the MIT Urban studies program and adapt it to a local setting.

Chair Jordan asked if they can meet the delivery dates and Mr. Jackson agreed. He said data is great, but the group also brings knowledge of how projects get built within municipal structures and financing.

Discussion

With interviews concluded, Chair Jordan asked if the committee could select a consultant or at least narrow the field to 2-3 for further discussion next week? The committee noted that the Dovetail proposal lacked detail and the Crane proposal included mistakes in the proposal.

Committee members noted that they did not originally rank Utile highly, but Utile moved up with the interview. Committee members were asked to provide their lower rankings and Dovetail and Crane were eliminated. Further rankings identified Camoin as #1 by all committee members and attending Town Councilors. It was noted that the graphics emphasis by Utile may be a good option for Phase 2 with the affordable housing committee.

The committee voted to recommend Camoin to the Town Council by a vote of 3-0.

Public Comment

Kevin Justh, 9 Spruce Lane - He commended the committee on a phenomenal job. It was the right thing to do to expand the budget.

Next meeting

The next meeting will be March 30th. The meeting adjourned at 9:40 p.m.