

**Town of Cape Elizabeth
Ordinance Committee Minutes**

April 16, 2020

6:30 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

Councilor Penny Jordan called the meeting to order. The minutes of the March 11, 2020 meeting were approved 3-0.

Public Comment

Councilor Jordan asked that public comment be short and sweet to allow the committee to complete its work. Public comment will be limited to 15 minutes and 3 minutes per person.

Doug Dransfield, 48 Richmond Terrace - He referenced an email he sent noting loopholes in the Primary Residence definition. He suggested that state tax forms might be a good reference to demonstrate primary residency.

Liz Menz, 27 Cross Hill Rd- She has attended meetings and rents her primary residence to support 3 sons who are now in grad school. She lives and works at Wolf's Neck during the summer. She has read meeting minutes and cannot rent long-term because she lives in the home. They have a stringent process where guests must sign an agreement that includes the provisions of the town permit. They allow 8 people in the house and four cars, and require that the name of all people in the house be provided to them.

Councilor Jordan noted that what Mrs. Menz covered aligns with the draft that the committee will be fine-tuning.

Ordinance Committee review of draft revisions

Councilor Jordan stated her goal to refine the draft for recommendation to the Town Council.

The committee moved through the draft and discussed the Primary residence definition. They agreed to limit documentation of primary residence to the ability to qualify for a homestead exemption. The committee acknowledged that an LLC cannot obtain a homestead exemption but that "the simplicity of the homestead exemption makes sense."

The committee reviewed subsection B, Permitted Short Term rentals. They reviewed and made no changes to the lead paragraph, and moved to the STR types.

The committee discussed the option of requiring conditional use approval of STRs. Councilor Straw suggested that this be hammered out at the Town Council level. He could support 365 days of STR operation for hosted STRs with a conditional use permit.

Councilor Garvin was concerned with the added complexity and does not like the day caps. Primary residence unhosted is self-limiting at 182 days. Hosted STRs have no documented concerns/complaints. Primary residence is the goal.

Councilor Jordan agreed that primary residence hosted should not have a day cap. Primary residence unhosted may need a limit.

The committee discussed leaving the cap language in place with the number blank, installing a 90 day cap that could be expanded with a conditional use permit, and making a conditional use permit a yearly requirement.

The committee asked how the Sprague Corporation STRs would fit into the proposed framework. They have many 2.5 acre range lots. Ms. O'Meara suggested that the Sprague Corporation provide more information on STRs on its property in order to assess how the draft revisions would apply.

Councilor Deveraux agreed that the number of days for hosted STRs not be limited. Unhosted has a natural limit. There is already a limit on the number of rooms rented if hosted.

The committee discussed the conditional use permit requirement. Councilor Straw likes this approach because it puts STRs in harmony with how other

commercial activities in residential districts are managed, such as a day care. The committee agreed to delete the minimum 30 day rental block.

The committee reviewed the 7 acre STR category. Councilor Garvin noted it is built in for a few properties. Councilor Jordan would retain the 90 day cap, but not require the 30 day block. The committee was satisfied with the fourth STR type, adjacent. Councilor Garvin suggested that the annual town audit might include a sampling of STR records.

Paragraph 5 restricts STRs in multifamily/multiplex buildings. The committee noted the new development on Hill Way. The revisions would limit STRs to one (if the owner lives on adjacent lot as his primary residence) and 1 in the farmhouse (again dependent on adjacent primary residence). Councilor Straw wants the Town Council to discuss how STRs are regulated in the Town Center.

The committee moved to review of permit requirements. Councilor Garvin asked about the permit process and observed that there can be good reasons for a contact person not to be available.

Councilor Jordan asked about disorderly house ordinance provisions in other towns and if that should be incorporated here. Those ordinances apply to any home and the committee agreed not to include at this time. Councilor Jordan also asked about the fee and it was agreed that the fee should be established in the Town Fee schedule.

The committee was ready to send this to the Town Council. Staff will prepare a cover memo for the Chair to approve and committee members indicated items to include in the memo. Final changes to the revisions discussed by the committee will be prepared by staff and sent to the Chair for approval.

Councilor Straw made a motion, seconded by Councilor Jordan, to send the draft STR revisions to the Town Council and the motion passed 3-0 after a roll call vote.

Next meeting

The Ordinance Committee has 4 pending items referred to it. Ms. O'Meara will email the pending list. The committee agreed to schedule its next meeting for Wednesday, April 29th, beginning at 7 p.m.

Citizen Comment

Councilor Deveraux complimented the draft.

The meeting adjourned at 8:16 p.m.