

**Town of Cape Elizabeth
Ordinance Committee Minutes**

April 29, 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

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order. The minutes of the April 16, 2020 meeting were approved 2-0.

Public Comment

No one asked to comment.

Recommendation #30

#30 Evaluate reducing the minimum lot size for existing, vacant, nonconforming lots to allow construction on infill lots of between 5,000 sq. ft. and 10,000 sq. ft. in size that will be served by public sewer and water and will comply with the Mandatory Affordable Housing provisions for low-income housing.

Councilor Jordan asked Ms. O'Meara to provide a grounding of the recommendation.

Ms. O'Meara introduced recommendation #30 as one that the Town Council had referred to the Ordinance Committee to implement the 2019 Comprehensive Plan. This recommendation evaluates reducing the minimum lot size for nonconforming lots from 10,000 sf to 5,000 sq. ft. Ms. O'Meara referenced discussion on page 76 of the Comprehensive Plan, as well as reviewing the current minimum lot sizes in the RC District (20,000 sf) and the RA District (80,000 sf).

There are several advantages to allowing these lots to be developed. Many of the lots are in neighborhoods where similar sized lots have been developed. For the most part, the lots are located on public roads with access to public water and sewer, so the town is already maintaining the infrastructure and driving school buses on the roads. New greenfield development usually includes new road and utility infrastructure that the town will maintain. This type of infill development is also in line with the town's land planning goals to minimize sprawl.

In addition, making lots buildable has potential to increase municipal revenues. From page 77, 2019 Comprehensive Plan:

For example, an existing 7,800 sq. ft. lot has an assessed value of \$23,000. If the lot became buildable, the land value would increase to \$100,000, plus the value of any home constructed (subject to change with affordable housing requirements.)

The recommendation includes requiring the lots to comply with affordable housing requirements. This would address a crucial need for affordable housing also identified in the comprehensive plan. A home affordable to a low-income family has a maximum sale price of \$236,868 and a maximum income of \$71,900.

Ms. O'Meara reviewed an analysis of approximately how many lots might be buildable if the minimum lot size was reduced to 5,000 sf. The analysis has accuracy limits due to data available and indicated that 24± lots might become buildable. She emphasized that the minimum lot size change would only apply to existing lots and not new lots.

Councilor Jordan would like to hear input but is initially supportive of the lot size reduction. She noted that with the requirement to connect to public sewer, this will primarily apply to lots in the RC District.

Reducing the minimum lot size was considered by the Town Council in 2000 and 2004, but not adopted. Councilor Garvin asked why? Ms. O'Meara said that these small lots are considered open space by neighbors, who prefer that they are not developed. Councilor Garvin said the assessed value of these lots may increase fourfold. noted that even if lot owners do not choose to sell/develop the lots, there is potential for over \$5 million in property tax revenue. He has heard Councilor Straw's position on this recommendation, but would like to get his input now.

Councilor Jordan agreed. The committee will discuss it again at the next meeting.

Councilor Garvin also noted that this should be reviewed by the Town Council in a workshop before referral to the Planning Board in order to efficiently apply board resources.

Councilor Jordan confirmed that the existing regulations that restrict nonconforming lots would continue to apply. The committee agreed there was no pressing need to rush this, but it would be good to complete pending items.

The committee would like to pursue this policy and directed staff to prepare a zoning text amendment for further discussion at the next meeting.

Recommendation #82

#82 Review the regulation of existing, nonconforming lots (infill lots) and recommend ordinance revisions that allow nonconforming lots a reasonable opportunity to be built upon and/or buildings expanded to meet the needs of modern households while also protecting the character of neighborhoods.

Councilor Jordan asked staff to review background information.

Ms. O'Meara characterized this recommendation as a review of setbacks for nonconforming lots. It came from the comprehensive plan committee's review of the future land use chapter, at the end of the comprehensive plan draft process. The recommendation supports allowing more expansion of buildings on existing lots, in part to allow older homes to be expanded to accommodate modern living.

The committee reviewed data showing that approximately 70% of existing lots in the RC and RA Districts are nonconforming to lot size. They also reviewed a chart comparing the side and rear yard setback requirements for conforming and nonconforming lots.

Councilor Jordan is not inclined to change current setbacks. The committee will discuss this again at the next meeting.

Next meeting

The committee would like to add the next item on the pending list, Pesticide ordinance, to the next meeting. Councilor Garvin provided a list he had of towns with a pesticide ordinance. Councilor Jordan noted this was important to citizens and should be a priority.

Councilor Garvin would like to invite South Portland Sustainability Coordinator Julie Rosenbach to a future meeting (not the next meeting) to learn about that city's successes and how they are measuring achievements.

Councilor Jordan agreed that would be helpful, but would also want information from towns that are more similar to Cape Elizabeth.

Both councilors want to see examples and noted the town's current policy regarding pesticide use on municipal ballfields.

The next meeting will be held on Wednesday, May 13, 2020 beginning at 7:00 p.m.

The meeting adjourned at 8:10 p.m.