

1 TOWN OF CAPE ELIZABETH
2 MINUTES OF THE ZONING BOARD

3
4 May 24, 2005

7:00 p.m. Town Hall

5
6 Present: Jay Chatmas, Chair
7 Stephen LaPlante
8 Len Gulino
9 Gib Mendelson
10 Michael Tranfaglia
11 Joe Guglielmetti
12

13 Also present was Bruce Smith, Code Enforcement Officer.

14
15 Mr. Chatmas opened the meeting and asked for any amendments to the February 22, 2005
16 minutes. With an amendment noted, he asked for motion for the Minutes.

17
18 Mr. Walsh made a motion to accept the amended minutes. Mr. Mendelson seconded the motion.
19 6 in favor, 0 opposed. (Mr. Tranfaglia arrived after the vote)

20
21 NEW BUSINESS

22
23 To hear the administrative appeal of Paul Coulombe, John Fatula and Audrey Fatula of the Code
24 Enforcement Officer's issuance of building permit # 050343 and flood hazard development
25 permit # 050344 on property at 24 Reef Rd, Tax Map U13, Lot 14, and issuance of subsurface
26 wastewater disposal system permit #'s 3143 & 3144 on property at 26 Reef Rd, Tax Map U13,
27 Lot 14B, all for development of 24 Reef Road. (*Appellants and appellees have jointly requested*
28 *a tabling of this item until next month*)

29
30 Mr. Chatmas asked for a motion.

31
32 Mr. Walsh made a motion to accept the joint request to table this item. Mr. Guglielmetti
33 seconded the motion. 7 in favor, 0 opposed.

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35 *****

36
37 To hear the request of Marshall & Suzanne Pillsbury, 78 Two Lights Rd, Tax Map U39, Lot 4-2
38 for a conditional use permit for an accessory dwelling unit.

39
40 Marshall Pillsbury, 1 Crescent Road, stated that he was looking for approval for an accessory
41 dwelling unit in space over a proposed barn on 78 Two Lights Road.

42
43 Mr. Gulino asked if he could give a description.
44

1 Mr. Pillsbury stated he is building a farmhouse with an attached barn. The barn dimensions
2 would be 32' x 26' with access from the rear of the barn as well as the main dwelling.

3
4 Mr. Walsh asked why the septic design was for 6 bedrooms and the house plans had four
5 bedrooms in the main dwelling and one bedroom in the accessory dwelling unit.

6
7 Mr. Smith stated that an accessory dwelling unit automatically counts as two bedrooms; there
8 would also be an extra kitchen as well.

9
10 Mr. Gulino asked if the barn was attached to the main house.

11
12 Mr. Pillsbury stated yes.

13
14 Mr. Mendelson asked who would be occupying the unit.

15
16 Mr. Pillsbury stated that it would be his best friend since childhood.

17
18 Mr. Mendelson asked if a stamped survey was submitted with the application.

19
20 Mr. Smith stated the applicant had previously been before the Planning Board for a private
21 accessway waiver for lack of street frontage, which required an accurate site plan with an
22 approved building envelope for the future structure.

23
24 Mr. LaPlante asked if there would be separate utilities to the A.D.U.

25
26 Mr. Pillsbury stated it would be one service to the property.

27
28 Mr. Chatmas opened the Public Hearing. With no one coming forth, he closed the Public
29 Hearing.

30
31 Mr. Chatmas asked the Board to vote on the following elements.

- 32
- 33 1. The proposed use will not create hazardous traffic conditions when added to
34 existing and foreseeable traffic in its vicinity.
35 7 in favor, 0 opposed.
 - 36 2. The proposed use will not create unsanitary conditions by reason of
37 sewage disposal, emissions to the air, or other aspects of its design or operation.
38 7 in favor, 0 opposed.
 - 39 3. The proposed use will not adversely affect the value of adjacent properties.
40 7 in favor, 0 opposed
 - 41 4. The proposed site plan and layout is compatible with adjacent property
42 uses and with the Comprehensive Plan.
43 7 in favor, 0 opposed.
 - 44 5. The design and external appearance of any proposed building will constitute
45 an attractive and compatible addition to its neighborhood, although it need not have a
46 similar design, appearance or architecture.

1 7 in favor, 0 opposed.
2

3 **JUDGMENT**

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5 A motion was made by Mr. Tranfaglia and seconded by Mr. Walsh to accept the application of
6 Mr. Pillsbury for an accessory dwelling unit. 7 in favor, 0 opposed.
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9
10 To hear the request of Carole Oren-Hough, 583 Shore Rd, Tax Map U01, Lot 43 for a
11 conditional use permit to operate a home business, specifically a psychotherapy practice.
12

13 Ms. Orem-Hough, 583 Shore Road, stated she is seeking permission to operate as a Clinical
14 Therapist, from her home, with up to 5 clients per day. She stated she currently has parking to
15 accommodate clients, there would not be signage indicating her practice so the residential
16 character of the neighborhood would remain intact. She had a landscape architect design a
17 preliminary drawing of the front of her home where she hopes in a few years to add a driveway
18 that could possibly be parking for clients.
19

20 Mr. Mendelson asked if a stamped survey would be necessary for this application.
21

22 Mr. Smith stated it was not a requirement for conditional use.
23

24 Mr. Mendelson asked if she would be offering group therapy.
25

26 Ms. Orem-Hough stated it may be a possibility in the future of meeting with 5 or 6 patients.
27

28 Mr. Walsh asked how she would be obtaining clients and what her hours would be.
29

30 Ms. Orem-Hough stated that it would be through referrals through managed care agencies. Her
31 hours would be Monday – Friday from 8:00 a.m. until 5:00 p.m.
32

33 Mr. Tranfaglia asked if she would be hiring any employees and if there would be any
34 biohazardous materials on the premises.
35

36 Ms. Orem-Hough stated she would not be employing anyone and there would not be
37 biohazardous materials on the property.
38

39 Mr. Chatmas asked if she would be advertising for clients.
40

41 Ms. Orem-Hough said no, that she also hoped to teach at U.S.M and gain potential clients from
42 word of mouth.
43

44 Mr. Walsh was concerned about group sessions and the impact of traffic on the corner.
45

1 Mr. Smith stated that 1 group session would equal the total number of clients she could receive
2 in one day.

3
4 Mrs. Orem-Hough stated that group sessions would not be her focus; she will be concentrating
5 on individual therapy.

6
7 There was discussion amongst the Board members concerning the potential parking on the
8 driveway that may be created in the future. The Board concluded future parking for the business
9 must come back before the Board for approval.

10
11 Mr. Chatmas asked the Board to vote on the elements.

12 CONCLUSIONS

- 13
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- 15 1. The proposed use will not create hazardous traffic conditions when added to
16 existing and foreseeable traffic in its vicinity.
17 7 in favor, 0 opposed, 0 abstained
 - 18 2. The proposed use will not create unsanitary conditions by reason of
19 sewage disposal, emissions to the air, or other aspects of its design or operation.
20 7 in favor, 0 opposed, 0 abstained
 - 21 3. The proposed use will not adversely affect the value of adjacent properties.
22 7 in favor, 0 opposed, 0 abstained
 - 23 4. The proposed site plan and layout are compatible with adjacent property
24 uses and with the Comprehensive Plan.
25 7 in favor, 0 opposed, 0 abstained
 - 26 5. The design and external appearance of any proposed building will constitute
27 an attractive and compatible addition to its neighborhood, although it need not have a
28 similar design, appearance or architecture.
29 7 in favor, 0 opposed, 0 abstained

30 JUDGMENT

31
32 A motion was made by Mr. Gulino and seconded Mr. Guglielmetti to approve the application for
33 a conditional use permit with the following conditions:

- 34
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- 36 1. That all services start no earlier than 8:00 a.m., and end no later than 5:30 p.m.
 - 37 2. That there be no signage on property advertising a Home Business.
 - 38 3. That there be a limit of vehicle trips to no more than 10 per day.
 - 39 4. Any future parking areas must come before the Board for approval.
40 7 in favor, 0 opposed, 0 abstained

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1 OTHER BUSINESS

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3 Mr. Chatmas stated that he would be representing the Zoning Board for the Comprehensive Plan
4 Committee after a mutual agreement with Mr. Tranfaglia, whom he stated would have also been
5 an excellent representative.
6

7 Mr. Chatmas stated that he had met with Mr. McGovern concerning the name change of
8 Secretary to Vice Chair. It was determined to be a valid change and as well as the term
9 expiration date. These items will be put on the Agenda to be approved by the Planning Board
10 and then proceed to the Town Council for approval.
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12 Mr. Chatmas asked for a motion to adjourn.
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14 Mr. Gulino made a motion to adjourn.
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16 Mr. LaPlante seconded the motion. 7 in favor, 0 opposed.
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20 Respectfully submitted,
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23 Laurie Palanza
24 Minutes Secretary
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