

TOWN OF CAPE ELIZABETH, MAINE  
MINUTES OF PLANNING BOARD MEETING

February 19, 2002

7 P.M., TOWN HALL

Present: David Griffin, Chair  
Andrew Charles  
John Ciraldo  
Peter Cotter  
Karen Lowell  
Barbara Schenkel  
David Sherman

Absent: None

Also present was Maureen O'Meara, Town Planner

Chairman David Griffin opened the meeting and asked for action on the minutes of the previous meeting of January 15, 2002. With no amendments requested, Mr. Cotter made a motion to accept the minutes. Motion was seconded by Mr. Sherman and carried 7 in favor and 0 opposed.

Mr. Griffin reviewed correspondence.

### **OLD BUSINESS**

**Blueberry Ridge Subdivision** - Request by Joseph Frustaci for Major Subdivision Review and a Resource Protection Permit for the 19-lot Blueberry Ridge Subdivision located off Mitchell Rd, Sec. 16-2-4, Major Subdivision Review, and Sec. 19-8-3, Resource Protection Permit.

Mr. Joseph Frustaci introduced himself as the owner and developer of the proposed subdivision and reviewed with the Board the site location and existing features. He noted that since the previous Planning Board meeting in January, the Town Council had accepted a donation of the pond area as open space. Mr. Frustaci presented calculations for the total square area of the development as 486,00 square feet gross, net to be developed as 380,002 square feet, and a designated 62% of open space. He proposes to create 19 lots in the available area, citing that density calculations allow him to create up to 25.

Mr. Frustaci discussed the traffic impact studies which had been done at the Board's request. William Bray had conducted the studies and presented two letters of findings. The first letter dealt with the issue of Red Oak Drive becoming a continuation of Edgewood Road in South Portland. The second letter addressed the cut through traffic from Mitchell Road to Cottage Road in South Portland.

With regard to comments which the Town Engineer had made upon review of the site plan package, Mr. Frustaci stated that he was working with his engineer to make the necessary adjustments. He then introduced landscape architects Tom Emery and Dave Kamila of Land Use Consultants to answer questions with regard to drainage and landscaping.

Tom Emery described the proposed buffering and landscape design. Major trees existing within the development had been marked. He noted, however, that the developer had no control over lot owners and the actions of their building contractors, nor occurrences of nature. The presentation depicted developments similar in lot size and density to the proposed Blueberry Ridge subdivision and showed the use of typical buffers of vegetation and fencing. On site photos were taken of the northeastern boundary and abutting properties on Charlotte Street, and also the lots on the northwesterly boundary. Proposed buffering options were offset vegetation plantings and stockade-type fencing. The intent was to try and preserve existing trees within the subdivision boundaries, but a worst case scenario that no trees would survive was used to create the buffering plan.

Mr. Ciraldo asked for an explanation of measures which might prevent homeowners from creating inconsistent buffers along the back lot lines. Mr. Emery stated that homeowners could be given a limited choice of fences and acceptable tree types for plantings. They would ultimately decide whether to have fencing or plantings or both, and ideally could work with their neighbors to arrive at a uniform plan. Mrs. Schenkel questioned whether a minimum buffer would be required, and he stated a height of 5', with 10 feet on center to an 8' minimum offset.

Mrs. Schenkel was concerned that no buffering was proposed for the northeasterly lots, but Mr. Emery explained that those were considered more as a side lot and an issue for the lot owners to better resolve. With regard to the southerly lots #6 and #7, Mr. Charles commented that he had recently been on site and confirmed that those lots were established well away from existing houses. He did, however, agree with Mr. Sherman that all of the northerly lots to Mitchell Road had an equal need for buffering, preferably vegetation which would improve with age.

Mr. Charles asked who would bear the responsibility of implementing and maintaining the buffer. Mr. Frustaci was concerned that vegetation damage would occur during the construction stage on the lots, but suggested implementing a requirement to insure that buffering be completed, such as a condition pending the certificate of occupancy.

Board members discussed with Mr. Emery the growth characteristics of the proposed vegetation for the development and then the discussion focused on the drainage issue.

Dave Kamila, a civil engineer, reviewed a revised drainage plan with the Board, showing that individual inlet basins were now proposed along the common lot lines on the northern edge of the site plan, directing stormwater into the graded swales along Blueberry Road. That would eliminate a conflict of maintenance with the buffering on the back lot lines. Stormwater would then be detained in a simply designed drainage basin that would discharge the water through multiple outlets and a pipe system to Mitchell Road. Culverts and drainage on Mitchell Road would be upgraded.

Mr. Charles noted that the detention basin was adjacent to and slightly overlapping RP2 wetlands, and had concerns about standing water and the general impact of drainage within the area. Mr. Kamila explained that the area was minor and would for the most part look like typical wetland. In the occurrence of an unusually heavy rainfall, there probably would be standing water, which would likely dissipate within a 24-48 hour period. The basin itself would be sunken and not easily seen and had a free form design that would look very natural.

Mr. Griffin had questions with regard to the responsibility of maintenance at culvert sites, and Mr. Kamila held that easements existed at each area and so would be accessible to Town crews. He felt, however, that individual lot owners would bear the responsibility for keeping drainage areas clear. Mr. Griffin inquired about the grading of the lots with the intent that drainage would subsequently be directed into the proposed system and not towards South Portland. Mr. Kamila assured him that grading plans would be conducive to the system set in place.

Ms. Lowell questioned the factor of a 25-year storm threshold as opposed to a 100-year threshold being sited in stormwater evaluations. Steve Harding, the Town Engineer, explained that most subdivision ordinances accept the 25-year storm evaluation. In the event of a 100-year storm, the RP2 wetlands could handle the stormwater amounts.

Mr. Griffin asked the Town Engineer about his concerns with regard to the cul-de-sac. Mr. Harding felt that the return radius was too severe, but could be corrected with a flatter turn.

Mr. Ciraldo asked about current wetland information. Maureen O'Meara confirmed that supplemental information from a 1993 study concerning the original development was on hand. Mr. Frustaci added that Sweet and Assoc. had done an updated study in July of last year.

Mr. Frustaci was questioned about access to the open space within the development. Wetlands envelop much of the street frontage of the open space area and a footbridge is proposed to facilitate walking through the soggiest area. Mr. Charles then raised the issue of building on lots #1 and #2, which are most adjacent to the RP2 zone. He asked Mr. Frustaci's thoughts on the request of the Conservation Commission to not develop those lots. Mr. Frustaci said that he was hesitant to abandon any further land which might warrant developing and noted that 62% already was donated to open space. He added that a suggestion would be passed along to the homeowners of those lots to maintain the natural land features. He didn't believe lawn encroachment would present a problem in the wetlands.

Mrs. Schenkel raised the issue of affordable housing requirements. Mr. Frustaci confirmed that some lots would be nominated to meet moderate-income housing.

Ms. Lowell wanted to review the calculations depicting open space percentages. Discussion ensued pertaining to what figures had been provided by the applicant and what the Town Planner felt more exacting, given changes in the development. Mr. Frustaci agreed to provide a calculation which would meet the ordinance requirement.

Discussion turned to the status of Edgewood Road and whether or not South Portland had vacated rights of ownership. Mr. Frustaci deferred to the Board with regard to their wishes concerning a through road being established via Red Oak Drive to Edgewood Drive. He complied with the availability of the Brown and Boulos properties having access to Red Oak Drive and the development.

Mr. Charles asked for clarification on why the sidewalks would not be continuous around the cul-de-sac. Mr. Frustaci explained that he was acting on the advice of his engineer. Mr. Sherman and Mr. Griffin felt that the sidewalk configuration was adequate. It was requested that the drawings be more consolidated in the next packet.

Mr. Sherman made a motion for the Board to Consider:

**BE IT ORDERED** that, based on the plans and materials submitted and the facts presented, the application of Joseph Frustaci for Major Subdivision Review and a Resource Protection Permit for the 19-lot Blueberry Ridge Subdivision located off Mitchell Road be tabled to the regular March 19, 2002 meeting of the Planning Board.

Mrs. Schenkel seconded the motion. Motion passed 7 in favor and 0 opposed.

## **NEW BUSINESS**

**Cape Elizabeth Community Center Site Plan** - Request by the Town of Cape Elizabeth for Site Plan approval to convert the building located at 343 Ocean House Rd to a community center, Sec. 19-9, Site Plan Completeness.

Dennis Jud, a landscape architect with SMRT, stepped forward to represent the Town and introduce the project. Also attending to field questions were landscape architects Patty Flynn and Cuyler Feagles, and the Town Engineer Steve Harding. Mr. Jud petitioned the Board as to their preference of addressing the issue of completeness first, and Mr. Griffin concurred. Mr. Jud noted that most requirements on the Submission checklist were satisfied. A waiver had been requested and granted with regard to information on stormwater system design. He had provided updated information on the matter of signage.

Mr. Cotter made the following motion:

**BE IT ORDERED** that, based on the plans and materials submitted and the facts presented, the application by the Town of Cape Elizabeth for Site Plan Review to convert the building at 343 Ocean House Road to a Community Center be deemed complete.

Motion was seconded by Mr. Sherman and passed 7 in favor and 0 opposed.

Mr. Jud continued his presentation with an overview of the site plan. He described proposed layout and use of the building. A traffic study had been done to measure the level of impact on Rt. 77 as well as recognize heightened traffic at peaks.

Ms. Flynn stepped forward to further explain traffic flow on the site plan. Options were explored to provide the best and safest circulation in and out of the site. Working with the Town Engineer, entrance and exit areas were plotted as well as walkways and esplanades. Side parking spaces were calculated at 63 and additional rear parking would be available in an area currently used by the school buses. The Town Manager has stated that those buses would be moved to a new site.

Ms. Flynn stated that grading of the site would be minimal, allowing for existing drainage paths to remain but with modified catch basins. Existing vegetation and trees would suffer little impact. Some proposed plantings would provide buffers from traffic and general aesthetics. Utilities will basically remain the same with some minimal upgrading. Lighting will be enhanced along Rt. 77 as well as in both of the proposed parking lots. Side lighting will be placed on the buildings. The sign from the current Community Center will be relocated to the new site.

Mr. Jud returned to the podium to answer questions from the Board. He stated that the needs of the Police, Fire, and Public Works Departments were being addressed, and that his team was adopting an aggressive schedule to complete the project and meet the needs of the community.

Board members asked for clarification of traffic paths and type of lighting to be used in the different areas of the parking lots. Ms. Lowell questioned the lack of traffic islands in the rear lot since they are a requirement in Town Center sites. Mr. Jud stated that it was in consideration of maintenance crews who would have an easier job clearing without the islands. He agreed that cost was also a factor but was conducive to adding island to the plan should they be required. Mr. Charles commented that the project should be held up to scrutiny with regard to ordinance requirements regardless of it being a Town Project. Mr. Jud had considered the lack of islands in the rear lot as an existing condition, but again agreed to make any adjustments the Board decided.

Mr. Charles made reference to a walkway connecting to the IGA parking lot. Mr. Jud stated that the walk accommodated easy access to the store. Town Manager Michael McGovern interjected that the intent was to encourage and continue the commerce, which had existed between the IGA and the employees of the former occupants Pond Cove Millwork. When asked about tree planting along the sidewalk fronting the building and an entrance walkway, Mr. Jud confirmed that those features would be added. He also clarified placement of signs relating to the Center and other business at the site.

Mrs. Shenkel questioned the one-way traffic pattern in the rear lot and Mr. Jud explained that a playground was also planned adjacent to that area and so the idea was to minimize traffic movement. Traffic islands once more brought discussion from the Board. Mr. Ciraldo felt no critical need to construct islands in the rear lots and felt that with respect to the Town ordinance, they were not visible within the Town Center. Mr. Sherman and Mrs. Schenkel agreed.

Mr. Griffin asked about the mechanical drawings for the site and Mr. Jud agreed that those would be available. Mr. Griffin requested more specific details with regard to color and schemes of exterior clapboards. He also suggested closer scrutiny of the existing sewer capacity to confirm that it will bear the additional usage, and made note that placement of a one-way sign would be necessary on the entrance drive.

Boardmembers agreed that a site walk was not necessary. Mr. Charles had concerns about the aesthetics and lighting of the rear parking lot. He felt strongly that islands should not be dismissed given they were within the Town Center district and any other applicant would have to uphold Town ordinances which would make islands a requirement. He noted that the back parking area would ultimately be used for school functions and careful consideration should be paid to adequate lighting for safety and security reasons.

Mr. Sherman made a motion for the Board to consider:

BE IT FURTHER ORDERED that the above applicant be tabled to the regular March 19, 2002 meeting of the Planning Board at which time a Public Hearing shall be held.

Motion was seconded by Mr. Charles and carried 7 in favor and 0 opposed.

With no further business, Mr. Cotter made a motion for adjournment.

Ms. Lowell seconded the motion and motion carried 7 in favor and 0 opposed.

Meeting adjourned 8:58PM.

Respectfully submitted,

Barbara H. Lamson, Minutes Secretary







