

TOWN OF CAPE ELIZABETH, MAINE  
MINUTES OF PLANNING BOARD MEETING

April 22, 2002

7 P.M., TOWN HALL

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

Also present was Maureen O'Meara, Town Planner

Chairman David Griffin opened the meeting and asked for a few minutes delay to allow the Board to review new correspondence. After a short period, he resumed the session and asked for action on the minutes of the previous meeting of March 26, 2002. With no amendments requested, Mr. Cotter made a motion to accept the minutes. Motion was seconded by Mr. Charles and was approved 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.

Dave Kamila, a civil engineer with Land Use Consultants, stepped forward on behalf of Joseph Frustaci to address the drainage and engineering issues of the development. He made note that the project was not originally started by his firm, rather by Richard Manthorne who was not in attendance. Plans drafted by Mr. Manthorne were also in the project packet and if Board members had questions regarding those plans, Mr. Kamila would have to relay their issues and respond at a later time.

Mr. Kamila presented an amended plan of the drainage system. Negotiations for a piece of land owned by Lisa Flocatoulas on the southern edge of the detention basin, were unsuccessful. As a result, the land area necessary for the basin was reduced to the extent that it would greatly encroach upon wetlands existing there. A new design has the drainage basin split to the north and south side of Blueberry Ridge Road. The basin would function in the same way, holding water in the event of a storm and then directing flow through the designed system. The amended design

still directs the water to Mitchell Road but to a more direct location and one that better satisfies concerns raised by the Town Engineer who had wanted additional catch basins at that location.

Mr. Kamila stated that, by their studies, no ledge existed in the area of the basin, eliminating the need for blasting. Excavation would involve mostly sandy material. With regard to ground water, he explained that drainage from the detention basin would occur within about a 24-hour period and although there would be some infiltration into surrounding soils, impact would be minimal. The detention basin was designed to satisfy the requirements of 2, 10 and 25-year storms. In the event of a larger occurrence, an emergency spillway area at the back of the pond would direct the overflow through a natural drainage channel and end up at the same proposed cross culvert under Mitchell Road.

For the purpose of safety and aesthetics, a guardrail is proposed on the south side of Blueberry Ridge Road and a split-rail fence proposed on the north side. There will also be plantings in those areas.

Drainage along the northernmost boundary abutting Charlotte Road, So. Portland, will be improved. The construction of the road and the grading of the lots will reduce the watershed in that area and decrease the amount of runoff to the catch basin.

Mr. Charles asked about the capacity of the redesigned detention basin comparative to the previous plan. Mr. Kamila explained that they were essentially the same, and perhaps the redesign a little greater. A culvert will connect the split basins and keep them at the same level so that they may work in conjunction with each other.

Other questions concerned the size and maintenance of the detention basin at the entrance on Mitchell Road. Mr. Kamila confirmed that they were standard size and capability. He explained that the basins would empty out after each storm and the area would be dry and could be mowed as normal maintenance. Mr. Frustaci stepped forward and stated that the detention basin would be deeded to the Town and therefore would be maintained by the Town.

Mr. Griffin questioned the impact on the proposed sidewalk that ran along Blueberry Ridge Lane and Mr. Kamila confirmed that it would not be affected by the new plan.

Tom Emery, a Landscape Architect with Land Use Consultants, stepped forward on behalf of Joseph Frustaci to address the landscape design for the proposed subdivision. He explained that the landscape design had not significantly changed. Standard street trees were incorporated on the plan but property owners had the choice of other varieties to infill. Overstory trees include sugar maples, red maples, red oaks, ash and another type of focal tree would be proposed for the center of the cul-de-sac. With regard to the detention basin area, a wooden guardrail would be placed on the southerly side of Blueberry Ridge Road, not far from the pavement. The northern road edge would have an esplanade with street trees and, beyond the sidewalk, a split rail fence is proposed. A combination of stockade fencing and a mix of evergreens will buffer the northernmost edge of the subdivision line. Weeping willows are proposed adjacent to the low areas of the basin. Definitive planting will more clearly mark the pedestrian easement access

from Fernwood Lane and Red Oak Drive. Ornamental and flowering shrubs will enhance the entrance to the subdivision.

Mr. Emery mentioned the lot development plan with buffer options that had been presented at the previous meeting and stated that Mr. Frustaci would be responsible for installation of the buffers and would provide a performance guarantee. The plan holds options for typical fencing and plant types for buffering, and also encourages preserving any existing trees not at the risk of blow down or injury. He augmented the presentation with pictures showing different applications of mature buffer planting in the Brentwood development where he resides.

Ms. Lowell asked about a time frame with regard to providing property buffering.

Mr. Emery felt that buffering would probably occur soon after the major construction activity was completed on the site. Mr. Frustaci stated that he expected buffering would be done in conjunction to construction on the house.

Mr. Cotter asked about a time frame for street tree plantings and also their height and survival guarantee at that time. Mr. Emery answered that the street trees would be planted as soon after the roads were finished, utilities pole placed and grading finished. Trees would have a height of about 14'-16' and a mortality rate of about 10%. Trees had a one-year warranty from planting date that would provide for replacement of any trees that might die.

Mr. Charles questioned the continuous fencing outlined on the northeast buffer line. Mr. Emery responded that it was at the request of the abutting property owners. The area constitutes their side lot lines and is heavily wooded. The fence also makes a clear demarcation between the end of Charlotte Road and the abutting property in the subdivision.

Mr. Emery pointed out the L-shaped fencing, which would mark the back edge of lots abutting the conservation land. He also mentioned that a boardwalk would be constructed across the wetlands that access the open space land. A pedestrian easement is provided between lot 5 and lot 6.

Mr. Griffin asked Mr. Kamila to once more, for the Board and the audience, review drainage with regard to lots 19-14 on the northern edge of the development. Mr. Kamila explained that a common easement would be established between each of lots 13-19 which abut Goudy Street, So.Portland. A swale will be constructed along the back property lines of those lots. The swale will tie into pipe inlets at each of those easements where the water then would be conducted toward Blueberry Ridge Lane, and into the detention basins. No grading will be done beyond the development property lines, but neither will any effort be made to impede water which may naturally feed from the abutting So.Portland properties. The swale and drainage system was designed using calculations which include the backyards of those abutting properties and the plan would accommodate and likely improve drainage from those lots.

Blasting within the development would be most intensive in the area of lots bordering Red Oak Drive and Fernwood Lane. No calculations are available, but Mr. Emery made comment that any blasting would be done by professionals who are licensed and required for insurance purposes to

do a test pre-blast and a post-blast survey. Blasting is a very precise exercise and companies bear responsibility for any negative occurrences.

Mr. Cotter questioned Mr. Frustaci regarding the particulars of Red Oak Drive. Mr. Frustaci stated that Red Oak Drive terminates at the So. Portland line. Proposed paving will continue from the existing pavement which is 92' inside that line into Cape Elizabeth and the development. A private easement currently exists for two properties which access their lots from So. Portland. Those property owners wish to be included in the new subdivision. Mr. Frustaci's intent is to turn that easement into a public right-of-way and so connect the existing Cape residents on Edgewood Road with the subdivision from Fernwood Lane. The Town would subsequently own those roads.

Affordable housing was discussed. The development is required to designate two lots as affordable housing. Mr. Frustaci is offering four lots, lots 19,1,2, and 12, two of which will fulfill that obligation. The Town drafted deed rider would be imposed to assure that the dwellings would remain affordable homes.

Mr. Charles asked about the consistency of the buffering proposed along the Goudy Street boundary relative to what exists in that neighborhood presently. Mr. Emery stated that the buffering plan presented a more extensive and consistent design than what was currently exhibited on the Goudy Street abutting lots. Some of those backyards had actually encroached over into the Frustaci property. The rear lot lines of the So. Portland properties will not coincide with the rear lot lines in the Blueberry Ridge development; therefore the proposed buffering options will achieve a better landscape balance between the neighborhoods.

Mr. Charles made note with regard to correspondence concerning lot size. A comparative analysis provided by the Cape Elizabeth Planning Office, shows lot sizes in the proposed development as, on average, 1500 sq./ft. larger than their So. Portland counterparts.

Mr. Cotter asked Dave Kamila to clarify how engineers formulated the data which constituted the planning of the proposed drainage design. Mr. Kamila explained that the drainage system function was to accommodate surface water and not ground water. Sub-surface water would be handled by individual drainage systems implemented around foundations and connected into the storm drain systems. Surface water is determined by rainwater and is classified in "design storm events" based on calculations of the amount of rainfall in inches within a twenty-four hour period. Standard storm event calculations used are 2(2"/24hrs.), 10(4"/24hrs), and 25(5-6"/24hrs.). Engineers use a combination of storm event calculations, density of soil types, ground cover, and slope when designing a system. Computers work out the formulas and sort through data to determine rate of runoff. Systems are subsequently designed using that analysis.

Mr. Griffin made a general comment regarding the need for another public hearing. He stated that the Board had held a public hearing, had done a site walk and spoken to property owners, had reviewed correspondence and addressed concerns and made changes subject to issues raised. He felt that another Public hearing would be unnecessary. He expressed gratitude for all comments and efforts which he felt helped the Board focus on the pertinent issues and facilitated the developer's decisions regarding design changes. The Board concurred with Mr. Griffin's

comments and considerations. Mr. Charles felt that another public hearing would be appropriate at the final subdivision review stage.

Mr. Ciraldo asked for further clarification with regard to public rights on Red Oak Drive, specifically the 92' which constituted the Boulos and Brown property easements from So. Portland. Mr. Frustaci stated that no barrier would be installed to prevent access from Cottage Road, So. Portland, through Red Oak Drive and on to Mitchell Road. Traffic studies indicated that there would be little impact.

Mr. Cotter made the following motion for the Board to consider:

**Findings of Fact**

1. Joseph Frustaci is proposing Blueberry Ridge, a 19-lot subdivision located off Mitchell Rd, which requires review under Sec. 16-2-4, Major Subdivision Review, and Sec. 19-8-3, Resource Protection Permit.
2. The Town Engineer has recommended revisions to the plans which clarify how the subdivision will be constructed.
3. The plans should accurately reflect the amount of open space to be preserved and clarify the level of variety in street tree species.
4. The plans substantially comply with Sec. 16-2-4, Major Subdivision Review, and Sec. 19-8-3, Resource Protection Permit.

**THEREFORE, BE IT ORDERED that**, based on the plans and materials submitted and the facts presented, the application of Joseph Frustaci for Preliminary Subdivision Review and a Resource Protection Permit for the 19-lot Blueberry Ridge Subdivision located off Mitchell Rd be approved subject to the following conditions:

1. That the plans be revised per the Town Engineer's comments in his letter dated 4/9/02;
2. That the number of potential street tree substitutions be limited by a note on the plans;
3. That the open space calculation be updated on the plans;
4. That the four lots for affordable housing will be designated on the plan, stating that only two of them will actually be utilized for that purpose; and
5. That the plans submitted in consideration of final subdivision review include revisions to satisfy the above conditions.

Mr. Sherman seconded the motion. Motion approved 7 in favor and 0 opposed.

## NEW BUSINESS

**High School Modulars Site Plan** – Request by the Town of Cape Elizabeth School Department for Site Plan Review to place modular classrooms at the High School located at 345 ocean House Road, Sec. 19-9, Site Plan completeness.

Robert Howe with HKTA Architects stepped forward on behalf of the School Department to present their application for the location of two portable classroom buildings, each consisting of two classrooms. He depicted the area of the proposed buildings on an aerial view. The buildings would be adjacent to the High School. Some slight grading would be necessary to facilitate drainage. The drainage plan depicts silt fencing, which would be put in place to prevent erosion. The DEP had been notified of the modifications to the original permit for the entire school campus. The application is in anticipation of utilizing perhaps only one of the two proposed buildings. The necessity of added space is still under review by the School Department.

Mr. Charles was concerned about vehicular traffic in the vicinity of the proposed buildings. Mr. Howe stated that there would be no traffic in that area and no parking was available. With regard to utilities, the buildings would arrive with wiring complete and the electrical connection would run underground. Mr. Howe was not aware of any application of LP gas, but Mr. Charles had identified in the submitted specs for the modulars the use of gas heat. He requested a condition that in the event that propane tanks would be necessary, they would not be visible from the road and their location be approved by the Code Enforcement Officer. Mr. Howe was in agreement to those conditions.

Mr. Cotter asked for a cost comparison of the proposed modulars vs. a modest High School expansion. Mr. Howe explained that the modulars would serve as a temporary situation. Evaluations of student influx and expectations regarding existing school space were ongoing, but a large eighth grade class necessitated expansion in the High School in the Fall. Currently the Kindergarten has space in the High School. Studies are underway to decide whether or not to move them into the Elementary School. That would allow necessary space in the High School. Until a determination was made for accommodating the numbers of students in the future, the modulars would provide a temporary solution.

Tom Forcella, Superintendent of Schools, stepped forward to further explain the need to create more space in the High School. He again noted that the School Department anticipates utilizing only one of the two proposed modulars. The approval of two would serve as an assurance to meet impending needs.

Mrs. Schenkel asked whether the modulars were rented or purchased. Mr. Howe replied that the modulars are rented.

Mr. Griffin asked the Board for discussion with regard to a site walk or a Public Hearing. The Board felt that neither was necessary.

With no further discussion, Mr. Sherman made a motion for the Board to consider:

## Findings of Fact

1. The Town of Cape Elizabeth School Department is requesting an amendment to the previously approved site plan for the school campus located on Ocean House Rd to locate 2 modular classroom buildings north of the high school which requires review under Sec. 19-9, Site Plan Regulations.
2. The Town Engineer has recommended that the method of providing electrical service be identified and that the current DEP permit be updated.
3. It is expected that there will be significant pedestrian activity around the modular classrooms and casual parking in the vicinity of the modular classrooms could threaten pedestrian safety.
4. The application substantially complies with Sec. 19-9, Site Plan Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Town of Cape Elizabeth School Department for an amendment to the previously approved site plan for the school campus located on Ocean House Rd to locate 2 modular classroom buildings north of the high school be approved, subject to the following conditions:

1. That the plans be revised to depict the electrical service connection or any other utility connections. That any gas tanks installed not be visible from the access road and their location be approved by the Code Enforcement Officer prior to their installation;
2. That the DEP Site Location Permit be amended to add the modular classrooms;
3. That there be no permanent parking on the existing walkway, the driveway north of the modular classrooms or anywhere near the modular buildings; and
4. That the above conditions be met prior to the issuance of a building permit.

Motion was seconded by Mrs. Schenkel. Motion was approved 7 in favor and 0 opposed.

With no further business, Mr. Griffin asked for a motion to adjourn. Mr. Charles made a motion which was seconded by Ms. Lowell. Motion was approved 7 in favor and 0 opposed.

Meeting adjourned at 8:25PM.

Respectfully submitted,

Barbara H. Lamson, Minutes Secretary

