

TOWN OF CAPE ELIZABETH, MAINE
MINUTES OF PLANNING BOARD MEETING

June 18, 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 short delay to review new correspondence. He then resumed the meeting and asked for action on the minutes of the previous meeting. Mrs. Schenkel noted an error on page 2, second paragraph, first line, which stated the square footage of the proposed Dorsey dwelling as 18,000 sq./ft. The correct figure is 1800 sq./ft.

With no further amendments requested, Mr. Sherman made a motion to accept the minutes as corrected. Motion was seconded by Mrs. Schenkel and carried 7 in favor and 0 opposed.

Mr. Griffin reviewed correspondence and proceeded to old business.

OLD BUSINESS

Dorsey Private Accessway Permit - Request by John and Sarah Dorsey for a Private Accessway Permit and Resource Protection Permit to create a new lot located at 146 Scott Dyer Rd (U45-8) and build a driveway which will alter RP2 wetlands, Sec. 19-7-9, and Sec. 19-8-3, Public Hearing.

Bob Metcalf, Mitchell & Assoc., representing the Dorseys, reviewed the project for the Board and presented the changes made respective to comments received from the Town Planner and Town Staff. The name of the property owner on the other side of Scott Dyer Road was added to the plan. The building envelope was outlined on the plan depicting the property line setbacks and the wetlands, showing a fifteen-foot setback from those wetlands. A note has been added with regard to the private access way describing a limited disturbance to occur in the wetlands. The project intends to preserve as much vegetation as possible during excavation. A declaration of covenants states provisions for maintaining stormwater management and erosion control measures. The Town Engineer requested a clarification of the access easement, as well as an adjustment of grading to not exceed 5% to assure that water will flow to either side of the driveway and not toward Scott Dyer Road. The first fifty feet of the access road will be paved. Chief McGouldrick had signed a letter accepting the configuration of the turnaround depicted on the plan. A detail of a stabilized construction entrance was added to the plan. Grading will be done on the spill slope of the rear driveway so as to lessen impact on the side property line. A detail of a silt fence was better depicted

on the plan respective to the wetlands and a sq./ft. figure was added representing percentage of impact to the wetlands.

Additional topographical information was gathered and further spot testing was done in the wetlands to better illustrate the drainage characteristics at the site. The information showed a tendency of water to pond because of the flat elevation. After consultation with the Town Engineer and engineers at BH2M, it was decided that one 12" culvert would suffice to equalize the drainage on both sides of the drive. A ditch line exists at the back of the proposed property and adjoins to a ditch line adjacent to Colonial Village allowing drainage to flow into the marsh.

A concern was raised because the access road cuts across a leach field that services the existing residence on the Dorsey property. Sweet Assoc. submitted a letter depicting the load capabilities in that area. The applicants plan to increase the gravel base, further enhancing the area where the road crosses the section of leach field.

The driveway has been reconfigured to service both dwellings. The easement area will be augmented to accommodate that change.

Mr. Griffin opened the Public Hearing.

James Webb, 52 Starboard Drive, Cape Elizabeth, owns an abutting property. He came forward to represent ten other abutters who had submitted a letter outlining their concerns with the project. Their opposition stems from a concern with the establishment of land-locked lots, adverse affects on the wetlands, drainage issues, and lack of assurance with regard to the stormwater management. He felt that the creation of land-locked building lots adversely affects the ambiance of the community and property values and proves detrimental to the wetlands.

Peter Benson, 3 Village Lane, Cape Elizabeth, was concerned with the amount of stormwater presently problematic in the area of the project and wanted clarification on some of the drainage features of the plan. Mr. Metcalf reviewed the measures relevant to his questions.

Ann Patch, 56 Starboard Drive, Cape Elizabeth, had concerns about the threat to the wetlands and the quality of life for wildlife existing there.

With no further comments, Mr. Griffin closed the Public Hearing and opened discussion to the Board.

Mrs. Schenkel wanted confirmation of a maintenance agreement with respect to the roads and drainage/stormwater management. Mr. Metcalf stated that an agreement was completed. He reviewed the drainage changes which resulted from the concerns of the Town Engineer.

Mr. Charles asked about the septic system and whether the Code Enforcement Officer was informed about the capabilities necessary to accept the weight impacts during construction. Mr. Metcalf confirmed that those considerations were met.

Mr. Ciraldo asked about documentation to revise the width of the accessway easement to encompass the width of the proposed drive. Maureen O'Meara explained that the applicants had agreed to the revision and the Board could make it a condition for approval. Mr. Ciraldo also asked

Ms. O’Meara about regulations with regard to wetlands. She replied that Cape Elizabeth is very aggressive in their protection of wetlands. The wetlands relative to the Dorsey project site are not as fragile as RP1 type wetlands, however, provisions are in place for their protection. The applicant is proposing a fifteen-foot buffer from the building site to the edge of the wetland.

Mr. Griffin made reference to a suggestion by the Chief of Police to assign a name to the street per the E-911 regulations. Ms. O’Meara explained that because two houses are being serviced by the same road, for emergency vehicle clarification, the accessway should be defined and requested the name be placed on the plan. Mr. Metcalf agreed to the request.

Ms. Lowell asked for specific requirements in the road/stormwater maintenance agreement to assuage abutter concerns about the drainage. Mr. Metcalf replied that the terms of the agreement could be as extensive as the Board required.

Mr. Charles made a motion for the Board to consider. He noted that his motion was taking into account the concerns raised by the abutting property owners, some of which he shared. He felt however, that the Dorsey application complied in all ways with the existing ordinances.

Motion for the Board to consider:

Findings of Fact

1. John and Sarah Dorsey are requesting a Private Accessway Permit and a Resource Protection Permit to create a second lot located at 146 Scott Dyer Rd, which requires review under Sec. 19-7-9, Private Accessways, and Sec. 19-8-3, Resource Protection Permit.
2. A portion of the proposed driveway is located outside of the 30’ right of way and crosses a portion of the existing septic system.
3. The Town Engineer is recommending that additional spot elevations, headwall details, drainage right conveyance are advisable to insure appropriate stormwater flows on the site.
4. The applicant has submitted a maintenance agreement which is being reviewed by the Town Attorney.
5. The application substantially complies with Sec. 19-7-9, Private Accessways, and Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of John and Sarah Dorsey for Private Accessway Permit and a Resource Protection Permit to create a second lot located at 146 Scott Dyer Rd and construct a driveway that will alter RP2 wetlands be approved, subject to the following conditions:

1. That the plans be revised to address the comments of the Town Engineer in his letter dated 6/10/02, with the exception of that portion of Item #7 in the letter beginning “also we are unsure...”

2. That the Maintenance agreement be approved by the Town Attorney and signed by the applicant;
3. That the driveway easement be revised so that the new driveway will be completely located within the right-of-way easement area:
4. That the driveway be named by the applicants, subject to the name being approved by the Police Chief and the name then being added to the plans: and
5. That the driveway be named by the applicants, subject to the name being approved by the Police Chief and the name then being added to the plans: and
6. That there be no recording of the plan nor issuance of a building permit until the above conditions are met.

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

Scout House Office Building Site Plan - Request by Everett Johnson for Site Plan Review to convert the vacant building located at 1231 Shore Rd (U22-81/82) to a 1,606 sq. ft. office building and build a 766 sq. ft. addition, Sec. 19-9, Site Plan Public Hearing.

Jim Fisher of Northeast Civil Solutions and representing Scout House LLC, brought the Board up to date on the revisions made to address comments from the Town Engineer and Planner.

A detail of the sign was enclosed for Board review. The Town Engineer had requested a leader added to the plan note with regard to an area along the drive which will be loamed and seeded in conjunction with other areas on the plan. A suggestion for granite curbing was also complied with.

With regard to street tree planting, Mr. Fisher passed out pictures depicting the mature trees which stand on the site. Given the canopy which already exists, he felt that additional plantings of trees would be overkill.

Preservation of any existing trees during construction is a priority. Silt fencing will be erected to keep construction activity at bay. A biofeed emulsion will be administered to any plant life which might suffer some disturbance. Any cuts will be clean to minimize damage. Wood chips will be placed in any areas subjected to heavy equipment to cushion impact.

A hedge planting of Rosa Rugosa is depicted as a shaded area on the plan. Rather than establish each individual plant, a note on the plan identifies the shaded area as 55 Rosa Rugosa between 2-4" high.

The plan for the front façade is to recreate the existing features of the building and not enhance the front door since the building will have a side-door entrance.

A lighting plan had been submitted and approved by the Town Engineer.

Mr. Griffin opened the Public Hearing. With no one coming forward, Mr. Griffin closed the hearing and proceeded with discussion by the Board.

Discussion ensued with regard the esplanade and the necessity of further tree plantings given the existence of mature plants already providing substantial canopy. Mr. Charles was of the opinion that plantings would provide a new generation of canopy. Mr. Fisher stated that new plantings could be a stipulation should the existing trees die. Mrs. Schenkel felt the issue of preservation of existing planting more at issue and saw no need for additional trees in the esplanade. Mr. Cotter felt that three mature trees within a 300' frontage were adequate to satisfy the intent of the ordinance. Other Board members agreed. Mrs. Schenkel asked whether an actual tree preservation plan was submitted. Ms. O'Meara replied that no such plan had been submitted. Mr. Fisher clarified that the provisions he had detailed for the preservation of the vegetation were derived from information given him by Ted Armstrong, an arborist at Whitney Tree Service. No tree preservation plan had been submitted. Mr. Charles suggested that in lieu of requiring planting in the esplanade, an actual plan be a stipulation for approval.

Mr. Ciraldo questioned the specificity of detail for the plantings on the plan. Ms. O'Meara felt that the plantings should be very specific in order to deter any confusion in the future as to what was approved.

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

Findings of Fact

1. Everett Johnson is requesting Site Plan Review of the conversion and reconstruction of an existing building located at 1231 Shore Rd to a 2,372 sq. ft. office building, which requires review under Sec. 19-9, Site Plan Regulations.
2. The site includes several mature trees in close proximity to construction that are proposed to be preserved.
3. The Town Engineer has recommended some construction detail changes.
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 Everett Johnson for Site Plan Review of the conversion and reconstruction of an existing building located at 1231 Shore Rd to a 2,372 sq. ft. office building be approved, subject to the following conditions:

1. That a tree preservation plan be submitted which is prepared by a Maine Registered landscape architect and/or Certified Tree Arborist and includes specific steps to treat trees where the roots have been disturbed by construction within the dripline of the tree;
2. That the plans be revised to depict the locations of all plantings;
3. That the plans be revised to address the comments of the Town Engineer in his letter dated 6/10/02; and

4. That there be no issuance of a building permit until the plans have been revised to address the above conditions and submitted to the Town Planner.

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

Mr. Griffin made comment recognizing the Johnson properties as a credit to the center of Cape Elizabeth and felt that the Scout House project would be a wonderful addition.

NEW BUSINESS

Ram's Head Farm Dam Reconstruction Resource Protection Permit - Request by John Higgins/ dba Ram's Head Partners Limited Liability Corp. for a Resource Protection Permit to reconstruct dams in an RP2 wetland located at 20 Ram's Head Rd (R9-49-3/4), Sec. 19-8-3, Resource Protection Completeness and Public Hearing.

Ms. Lowell recused herself.

Steven Mohr, a landscape architect with Mohr & Seredin, presented the project to reconstruct the center portions of two small dams which were built around the turn of the century. Application submissions include soils information, wetland delineations and an erosion control plan that support the proposal. The reconstruction of the center portions of the dams will impound just under 5000 ft. in the middle pond and just under 7000 ft. in the upper pond. A conversion from scrub-shrub wetlands to emergent pond wetlands will occur. Careful consideration has been paid to vegetation and resources impacted during the reconstruction. A cofferdam will be created on the upland side of each dam and the water diverted around. Excavation will be only in the area of reconstruction, the actual impact area being about 500 sq. ft. The result would be the recreation of two very shallow ponds in the stream channel. 95% of the vegetation would remain intact with only about 100 sq. ft. of area being impacted. The average depth of the ponds will be about 8 inches.

The purpose of the project is to recreate the historic ponds and improve the performance provided by the dams with respect to water quality.

The Sprague Family owns land abutting the project and their property will also be impounded by the dam reconstruction. Nothing has been received in writing relative to their acceptance of the reconstruction. A letter of recommendation has been received from John Green who manages the Sprague property. Mr. Green determined the impoundment as acceptable. Mr. Mohr stated to the Board that by lowering the water elevation by four inches, the Sprague land would not be affected. He suggested that the Board make a condition of approval with regard to securing a letter of representation from the Sprague family accepting the project.

Mr. Griffin asked for discussion with regard to completeness of the application. Mr. Sherman made the following motion:

Motion for Completeness

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of John Higgins dba/Ram's Head Partners Limited Liability Corporation for a Resource

Protection Permit to reconstruct two dams located at 20 Rams Head Rd, which will require alteration of RP 2 wetlands, be deemed complete.

Motion was seconded by Mr. Ciraldo and carried 6 in favor and 0 opposed.

Mr. Griffin opened a Public Hearing and with no one coming forward closed the hearing and proceeded with discussion from the Board.

Mr. Sherman asked if there would be negative impact on the project if the water level were lowered in the upper pond to avoid impounding the Sprague owned land. Mr. Mohr replied that there would be no negative impact. Mr. Sherman suggested that approval cover both conditions; first, to lower the water level in the upper pond, and second, to allow the higher water elevation should a letter be received granting acceptance from the Sprague Family.

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

Motion for Approval

Findings of Fact

1. John Higgins, dba/Ram's Head Partners Limited Liability Corporation, is requesting a Resource Protection Permit to reconstruct two dams located at 20 Rams Head Rd, which will involve alteration of RP 2 wetlands and require review under Sec. 19-8-3, Resource Protection Regulations.
2. The project requires a Natural Resources Protection Act Permit from the Maine DEP.
3. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of John Higgins dba/Ram's Head Partners Limited Liability Corporation for a Resource Protection Permit to reconstruct two dams located at 20 Rams Head Rd, which will require alteration of RP 2 wetlands, be approved subject to the following condition.

1. That a copy of the NRPA permit be submitted to the Town Planner prior to any alteration of the site.
2. That the plans be revised such that the impounded water in the upper pond does not encroach on the abutting property, or that the applicant obtain written agreement from the abutting property owner allowing such encroachment.

Motion was seconded by Mr. Sherman and carried 6 in favor and 0 opposed.

Blueberry Ridge Final Subdivision Review - Request by Joseph Frustaci for Final Subdivision Approval and a Resource Protection Permit for Blueberry Ridge, a 20-lot Subdivision located off Mitchell Rd, Sec. 16-2-4, Final Subdivision Completeness, and 19-8-3, Resource Protection Permit Review.

Dave Kamila, a civil engineer with Land Use Consultants, introduced himself and Dave Emery, a landscape architect with the same firm. He opted not to address all the minor revisions done on the plan, but rather wanted to touch on the more salient points of concern. He had worked closely with the Town Engineer and Dick Manthorne who drew up the plan for final submission to satisfy all of the Town Engineer and Town Planners concerns. First point of issue was a note on the plans which stated that once all of the lots were completed, their grade would not impede drainage from any of the abutting lots, mostly in South Portland. A note also is on the plan stating that upon completion, all the first floor elevations will be at least three feet above the road centerline grade in front of those lots. Therefore all runoff from these lots will run to the street. Lots 1,2,12,and 19 are designated as affordable lots and will be sold to a qualified individual who meets the criteria required by the Town. The percentage of dedicated open space will be corrected to read 48%.

Mr. Kamila noted the concern of many neighbors with regards to stormwater and made reference to an independent study done for them by Steve Bushey, a civil engineer. The total impervious area created by the development is 1.05 acres. A DEP stormwater regulation requires a review of any project creating anything over one acre of impervious surface. An application has been filed with the DEP for a stormwater permit. He also addressed the issue raised by Mrs. Flocatoulas concerning the detention basin and the emergency spillway which runs along the rear of her property. A swale exists there now which catches runoff. Mr. Kamila maintained that the emergency spillway would only come into play in an event in an excess of a 100 yr. Storm, which would be of hurricane magnitude. Otherwise the drainage system was more than adequate. The Charlotte Street catch basin watershed was designed to divert much of the water from the catch basin. The site is relatively flat and the tendency of the water is to pond and eventually percolate into the ground. The grading proposed in that area along with the development of the lots and the drainage system built into the roads will redirect approximately 1.6 acres of that area and divert it into the stormwater collection system. The remainder of the runoff will drain naturally and be reduced by about fifty percent. Suggestions had been made to Maureen O'Meara regards building a berm and putting in another inlet to the storm drainage system there. Taking into consideration the Board's wishes, Mr. Kamila regarded those measures as unnecessary and of negative impact. Blasting would have to occur to create that swale and trees would be jeopardized in the process. He noted the increased setback placed on lot 12 abutting Charlotte Street with the intent to preserve trees in that location. He was of the opinion that the development was not adding any additional drainage in that area but in fact significantly reducing it with the system proposed. He stated however, that if the Board dictated an additional swale be placed between lots 12 & 13, with a berm constructed at the head of Charlotte Street, the developer would comply.

The developer will be responsible for any blasting done at the site and will take every precaution to minimize impact to the abutters. With regard to radon, a standard building practice is to instate vent pipes beneath the foundations. Should a site test positive for radon, the system can be vented to the outside.

Mr. Kamila addressed the provisions of Open Space Zoning which allow the twenty-foot setbacks for the new subdivision as opposed to the fifty-foot setbacks for standard residential zoning. A lot size comparison was done with respect to the development and the abutting South Portland neighborhoods to compare density. The Blueberry Ridge lots average 8848 sq.ft.; the smallest lot being 7581 sq.ft., and the largest measuring 11,939 sq.ft. The abutting South Portland lots average 7318 sq.ft. with the smallest lot being 5227 sq.ft. and the largest measuring 11,325 sq.ft. The proposed Blueberry Ridge lots in general were found to be about 1500 sq. ft. larger than the average

South Portland lots. All of the development setbacks are 20' with the exception of lot 12 which has a setback of 25'. The South Portland neighborhoods have setbacks that range from 10-35 ft. with an average of 23 ft. and some accessory sheds on those properties are as close as 3' from yard lines. Mr. Kamila pointed out that a simple visual comparison would be to count the number of proposed lots on the north side of Blueberry Road which number 7, with the abutting South Portland lots on Goudy Street which number 9. He felt that the information proves that the proposed development is very much in keeping with the existing neighborhoods.

Tom Emery presented an update of the buffering plan. A key has been added to the plan to help identify fencing. Mr. Emery had met with Mr. Seymourian, an abutter on Mitchell Road, and worked to create a buffer on his property which encompasses types of plants preferred by the homeowner. He reviewed elements of the plan which had been accepted at the preliminary approval. Street trees were depicted and identified with the intention that property owners could also fill in with an understory of different types of trees should they wish.

Joe Frustaci introduced himself as the developer of the project and addressed the comments from the Town Engineer. Steve Harding had asked whether a DEP site location of development permit was required, and he responded that Alex Wong of the DEP had told him no, since the development does not exceed 30 acres. The project at no time exceeded 20 acres. There had been a question with regard to a sewer line from an abutting property crossing Blueberry Road, and that was found to be a non-issue. Mr. Harding had suggested sump pumps to augment the property drainage system. Mr. Frustaci responded that the elevation of the lots would provide a positive drain for the foundations.

Mr. Griffin opened discussion to the Board to consider completeness.

Mr. Ciraldo asked if the stormwater plan was submitted to the DEP and if so, whether the swale off Charlotte Road was included in that application. Mr. Kamila responded that the plan had been submitted and the issue of the additional swale came later. He noted once again that LUC's engineers had held that the additional swale was unnecessary, but would comply with the wishes of the Board in that regard. The construction of that swale would involve blasting and removal of trees. Mr. Ciraldo was interested in the DEP's opinion of the swale and system in general. Mr. Kamila responded that the DEP would lend their suggestions and since the application was a public process, neighbors could submit their concerns to the DEP.

Mrs. Schenkel wanted to review a maintenance plan for the stormwater system and the landscaping. Mr. Kamila explained that the stormwater system was part of the road system and the Town would be responsible for its maintenance. Individual lot owners have a condition noted on the plan stating that they may not obstruct the side swales, which run between properties. Landscaping maintenance will be the responsibility of the individual lot owners, excepting the common street areas.

Mr. Charles wanted further clarification on the drainage in the area of Charlotte Street.

Ms. O'Meara suggested reviewing the pre and post watershed plans in the submission. The plan shows the drainage area being reduced by about half, post implementation of the proposed system, without the berm.

Mr. Kamila reviewed again the emergency spillway layout bordering the Flocatoulas property, and explained the conditions necessary for that spillway to come into play. An analysis of a 100 yr. storm event which creates a rainfall of about 6.5 inches per 24 hr. period, showed the water level

not rising enough to affect that area. Should the water level prove sufficient to enter that spillway area, it would then follow a natural path of drainage.

Mr. Kamila stated that a sheet would be provided in the final submission with regard to a performance guarantee and recording plat for the buffering plan. Ms. O'Meara informed the Board that the easement deeds for the open space had been received and were being reviewed by the Town Attorney.

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

Motions 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 Final Subdivision Approval and a Resource Protection Permit to construct Blueberry Ridge, a 19-lot subdivision located off Mitchell Rd. be deemed complete.

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

Board members discussed the need for a Public Hearing. Because of the numerous changes occurring in the plans and the size of the project, Board members felt a responsibility to hold another hearing. Consensus was, however, that the event of another hearing should not invite a "rehashing" of the issues already addressed. A site walk was deemed unnecessary.

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

BE IT FURTHER ORDERED that the above application be tabled to the regular July 16, 2002 meeting of the Planning Board, at which time a public hearing shall be held.

Ocean House Child Development Center Site Plan – Request by Laurie Grant and Margaret Littlefield for Site Plan Review of a day care facility for up to twelve children to be located at the Methodist Church on 280 Ocean House Road (U22-76A), Sec. 19-9, Site Plan Completeness and Public hearing.

Laurie Grant introduced herself and Margaret Littlefield as the applicants and reviewed her request with the Board. The applicants are proposing a day care center to operate Monday through Friday from 7AM-5:30PM and are licensed with the State to accommodate up to twelve children ranging in age from six weeks to five years. For the past twenty years the Methodist Church has hosted a type of nursery or day care facility, so there would be no change of use at the proposed site. No renovations or additions will occur. A secure play yard exists which meets Town ordinance standards.

Steve Etzel from the administrative council of the church stepped forward to describe the overall layout of the building and existing site elements. He reviewed the roadway exit and entrance layout showing clear traffic flow and adequate sight distance at the road intersection. The play area was located and lighting reviewed to depict coverage and safety measures.

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

Motion for Completeness

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Laurie Grant and Margaret Littlefield for Site Plan Review to operate a day care center for up to 12 children in the space previously occupied by Emily's School located at the Methodist Church at 280 Ocean House Rd be deemed complete.

Motion was seconded by Ms. Lowell and carried 7 in favor and 0 opposed.

Mr. Cotter made comment that he was familiar with the site location and lighting at the church and was of the opinion that safety requirements were adequate. Mr. Sherman agreed and waived the necessity of a site walk. Mr. Griffin opened the meeting to a Public Hearing and no one came forward. Ms. O'Meara stated that she had received no unfavorable comment to the project. The Public Hearing was closed and Mrs. Schenkel made as motion for the Board to Consider:

Motion for Approval

Findings of Fact

1. Laurie Grant and Margaret Littlefield are requesting Site Plan Review to operate a day care center for up to 12 children in the space previously occupied by Emily's School located at the Methodist Church at 280 Ocean House Rd, which requires review under Sec. 19-9, Site Plan Regulations.
2. 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 Laurie Grant and Margaret Littlefield for Site Plan Review to operate a day care center for up to 12 children in the space previously occupied by Emily's School located at the Methodist Church at 280 Ocean House Rd be approved.

Motion was seconded by Ms. Lowell and carried 7 in favor and 0 opposed.

Bay View Street Vacation – Request by the Town Council for comments from the Planning Board regarding a request by Thomas Pinansky to vacate a portion of Bay View Road.

Mrs. Schenkel inquired as to the reason why the applicant was making his request. Ms. O'Meara replied that much of Bay View Street had already been vacated and the applicant wanted to follow suit, with no intentions to build into that area. Board members had a discussion with regard to what the property owner could then do as a result of expanding a building envelope into the vacated area. A memo from the Town Planner made reference to the conditions that could be attached to the vacation approval.

Mr. Charles moved that the memo as written be submitted to the Town Council.

Mrs. Shenkel seconded the motion and motion carried 7 in favor and 0 opposed.

With no further business, Mr. Cotter made a motion to adjourn.

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

Meeting adjourned at 10:00PM.

Respectfully submitted,

Barbara H. Lamson, Minutes Secretary