

TOWN OF CAPE ELIZABETH, MAINE
MINUTES OF PLANNING BOARD MEETING

May 20, 2003

7 P.M., TOWN HALL

Present: Peter Cotter
David Griffin
Peter Hatem
Barbara Schenkel
David Sherman

Absent: Andrew Charles
John Ciraldo, Chair

Also present was Maureen O'Meara, Town Planner

Chair John Ciraldo was absent as was Andrew Charles, Vice-Chair. Board member Barbara Schenkel made a motion for David Griffin to serve as acting Chair. Motion was seconded by David Sherman and carried 4 in favor and 0 opposed. Mr. Griffin assumed the position of Chair and resumed the meeting.

First order of business was action on the minutes of the previous meeting. With no amendments requested, Mrs. Schenkel made a motion to accept the minutes. Motion was seconded by Mr. Hatem and carried 5 in favor and 0 opposed.

Mr. Griffin reviewed correspondence and proceeded to the first item on the agenda.

CONSENT AGENDA

Riverview Subdivision De Minimus Change - Request by Robert Schaedel and John Suczynski for an amendment to the previously approved Riverview Subdivision to change the lot line between lots 8 and 9, Sec. 16-2-5, Amendment to a Previously Approved Subdivision.

Mr. Griffin reviewed the amendment and requested discussion from the Board. No comments ensued and Mr. Cotter made the following motion for the Board to consider:

BE IT ORDERED that, based on the plans and materials submitted, the application of Robert Schaedel and John Suczynski for an amendment to the Riverview Subdivision to adjust their common boundary line between 1 and 3 Wainwright Drive be approved under Sec. 16-2-5 of the Subdivision Ordinance as a Consent Agenda item.

Motion was seconded by Mrs. Schenkel and carried 5 in favor and 0 opposed

OLD BUSINESS

Pillsbury Private Accessway Permit - Request by Marshall and Suzanne Pillsbury for a Private Accessway Permit and Resource Protection Permit for a lot located at 78 Two Lights Rd (U39-4-2), Private Accessway Permit, Sec. 19-7-9, and Resource Protection Permit, Sec. 19-8-3, Public Hearing.

Marshall Pillsbury reviewed the plans and presented changes made to address concerns raised by the Town Engineer.

1. An easement deed has been submitted from the applicant's brother allowing access to the lot. The documents would be signed and recorded upon approval by the Board.
2. A stormwater runoff plan was completed by Sebago Technics.
3. Mark Hampton, a soil scientist, submitted a letter delineating the wetlands.

Mark Mullen, of Sebago Technics, explained that the latest modification for the end of the driveway had not yet been depicted on the plan, but would be forthcoming. Water service from Two Lights Road will be drawn on the plan. Size and materials for a culvert also will be added to the final submission.

Mr. Griffin opened the public hearing. No one came forward to make comment. The public hearing was closed and discussion opened to the Board.

Mr. Sherman asked the applicant whether all of the issues raised in the Town Engineer's letter of May 12, 2003 had been addressed and would be inclusive of the final submission plan. Mr. Pillsbury concurred that all the items would be included.

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

Findings of Fact

1. Marshall and Suzanne Pillsbury are requesting a Private Accessway Permit and a Resource Protection Permit for a driveway to access a lot located at 78 Two Lights Rd, which requires review under Sec. 19-7-9, Private Accessways and Sec. 19-8-3, Resource Protection Permit.
2. The Town Engineer has recommended design changes that will bring the application into compliance with Town standards.
3. The applicant will need an easement to install the driveway on an abutting property.
4. The application substantially complies with Sec. 19-7-9, Private Accessways 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 Marshall and Suzanne Pillsbury for a Private Accessway Permit and a Resource Protection Permit for a driveway to access a lot located at 78 Two Lights Rd be approved with the following conditions:

1. That the plans be revised to reflect the comments of the Town Engineer in his letter dated 5/12/03;
2. That the easement deed be signed and submitted to the Town; and

3. That the above conditions be satisfied prior to recording of the approval and any alteration to the site.

Motion was seconded by Mrs. Schenkel and carried 5 in favor and 0 opposed.

Karu Subdivision - Request by Candace Karu for Minor Subdivision Review of a 3-lot subdivision located at 246 Ocean House Rd (U23-1), Sec. 16-2-3, Minor Subdivision Completeness

John Mitchell, of Mitchell & Associates, presented the plans for the subdivision. He reviewed the existing conditions of the property and the proposed subdivision.

1. The property is a 7.8-acre parcel located at 246 Ocean House Road. The north boundary is vacant land. Neighboring homes are on the east and south and Ocean House Road bounds the west. There is an existing residence and barn on the property.
2. The land slopes in a northerly direction toward a significant stand of RP1 and RP2 wetlands. A drainage swale extends up into the RP2 wetland and a 250' buffer exists with regard to those wetlands.
3. Al Frick & Associates did a delineation of the area. Most of the property consists of an upper and lower field separated by deciduous trees and vegetation. An historical account of the use of the fields shows that the upper field has been maintained as a lawn area, and the lower field, within the 250' buffer, has been mowed on an annual basis only and maintained as a field. An old apple orchard stands near Ocean House Road.
4. Public utilities would be provided to the proposed lots. Electric would run underground.
5. The property exists in the RA district which permits cluster housing and the subdivision will be utilizing the open space provisions of the Zoning Ordinance. The calculation for the maximum density of the subdivision was outlined in the submission packet, and constitutes approximately 7.12 acres of max residential area and an allowable 4 lots. The applicant is requesting three lots, one of which is the existing residence.
6. The road is designed as a private road with an 18-foot wide paved surface and two-foot wide grass shoulders. The road encompasses the existing driveway, bends to accommodate setbacks for the existing residence, and ends with a hammerhead configuration which meets Town standards.
7. Lot sizes meet the standards outlined in the Ordinance.
8. Allocated open space is 4.64 acres and, at 59% of the subdivision, meets the 40% requirement cited in the Ordinance. 74% of the open space land is considered usable, which also satisfies provisions. A draft of an open space easement has been submitted which outlines provisions for the preservation of the land.

9. A stormwater management report was submitted lending information on the infiltration and sheet runoff characteristics of the property.
10. The applicant has requested three waivers with respect to the application.
 - a. A reduction in the standard 20' road width to 18' in order to lessen the amount of paved surface and maintain the character of the subdivision. Grass shoulders would meet the overall width and safety requirements.
 - b. Reduce granite monumentation to one side of the road rather than both sides.
 - c. Reduce the 75' road front setback on lot #1, which is adjacent to Ocean House Road, to 50' which would be no less than the other road way setbacks in the underlying development.
11. All of the Town Engineer's comments have been addressed and will be included in forthcoming plans.

Mr. Griffin asked for discussion on the completeness of the application. Hearing no discussion, Mrs. Schenkel made the following motion for the Board to consider:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Candace Karu for Minor Subdivision Review of a 3-lot subdivision located at 246 Ocean House Rd be deemed complete.

Motion was seconded by Mr. Sherman and carried 5 in favor and 0 opposed.

Board members discussed the necessity of a site walk and public hearing and agreed to both. A site walk was scheduled for Wednesday May 28th at 5:30PM.

Mr. Mitchell asked whether the Board could relate any of their considerations with respect to the road waiver. He reviewed the road bed layout. Board members wished to delay comment until after the site walk. Mr. Griffin asked that an outline of the sewer hook-up to the Town connection also be detailed at the next meeting. Mr. Mitchell agreed.

Mrs. Schenkel asked regarding the reasoning for the waiver for the reduction in monumentation. Mr. Mitchell explained that monumentation was requested at every PT and PC on both sides of the road. He felt that monumentation on one side of the road was sufficient to meet requirements. Mrs. Schenkel was concerned about the maintenance within the open space. Mr. Mitchell stated that the property would be maintained at the level that has historically been undertaken.

Mr. Sherman asked Ms. O'Meara whether the monumentation waiver was in line with what the Town has granted in the past. Ms. O'Meara replied in the negative. Mr. Sherman asked whether the applicant had given consideration to granting a hook-up to the Greenbelt Trail Plan. Mr. Mitchell did not believe that any linkage was available around the property.

Mr. Griffin questioned a 15' ROW that shows on the plan. Mr. Mitchell stated that the ROW was a utility easement granted in 1970.

With no further deliberation, Mrs. Schenkel made the following motion:

BE IT FURTHER ORDERED that the above application be tabled to the regular June 17, 2003 meeting of the Planning Board, at which time a public hearing shall be held.

Motion was seconded by Mr. Sherman and carried 5 in favor and 0 opposed.

With no further business, Mr. Griffin asked for a motion to adjourn. Motion was made by Mr. Hatem and seconded by Mr. Sherman. Motion carried 5 in favor and 0 opposed.

Meeting adjourned at 7:50PM.

Respectfully submitted,

Barbara H. Lamson, Minutes Secretary