

TOWN OF CAPE ELIZABETH, MAINE
MINUTES OF PLANNING BOARD MEETING

OCTOBER 21, 2003

7:00 P.M., TOWN HALL

Present: John Ciraldo, Chair
Peter Cotter
David Griffin
Peter Hatem
Barbara Schenkel
David Sherman

Absent: Andrew Charles

Also present was Maureen O' Meara, Town Planner.

Chair John Ciraldo called the meeting to order and requested motion on the minutes. With no amendments requested, David Sherman made a motion to accept the minutes. Motion was seconded by Peter Hatem and carried 5 in favor and 0 opposed. (Mr. Griffin was not present for vote.)

Mr. Ciraldo reviewed correspondence and the evening's agenda.

CONSENT AGENDA

Cape Elizabeth Family Medicine Site Plan Extension- Dr. Craig Johnson is requesting an extension of the site plan approval granted for additions to the building located at 1226 Shore Rd. The application will be reviewed for compliance with Sec. 19-9-6, Site Plan Amendments.

Mr. Ciraldo reminded the board concerning Consent Agenda items. He asked if any member would deem it necessary to move item to regular agenda. With no comments coming forward, Mr. Ciraldo asked for a motion.

Mrs. Schenkel made a motion to be approved as a consent agenda item.

THEREFORE, BE IT ORDERED that, based on the information submitted and the facts presented, the application of Dr. Craig Johnson to extend to September 17, 2004 the site plan approval granted for an addition to the building located at 1226 Shore Rd be approved as a Consent Agenda item.

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

Mr. Ciraldo introduced the second consent agenda item.

Pond Cove Shopping Center Site Plan Amendment - Lathrop & Lathrop is requesting an amendment to the previously approved site plan for the Pond Cove Shopping Center to remove the existing wood shingles and replace them with architectural shingles. The application will be reviewed for compliance with Sec. 19-9-6, Site Plan Amendments.

Mr. Ciraldo asked whether any Board member wished to have the item removed from the consent agenda. Hearing no comment, Mr. Ciraldo asked for a motion.

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

BE IT ORDERED that, based on the materials submitted and the facts presented, the application of Lathrop & Lathrop to replace the existing wood shingles on the Pond Cove Shopping Center located on Ocean House Rd with architectural shingles be approved as a Consent Agenda item.

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

NEW BUSINESS

Plaisted Park Concession Stand Site Plan - The Town of Cape Elizabeth is requesting site plan review of a new concession stand to be built at Plaisted Park. New bleachers will also be installed on the third base and first base foul lines. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Steve Harding, the Town Engineer and of Oest Assoc., gave an overview of the plan showing placement of proposed building on the lot and described the different areas of the building. Mr. Harding discussed the how the building would affect parking and the portion that of the building that would not allow parking in front of during games.

Mr. Harding pointed out that there wouldn't be any new water or sewer lines. They are going to run an electric line off of Littlejohn Rd. Mr. Harding also discussed the placement of three drains that should eliminate current ponding in that area.

Mr. Harding is asking for three waivers; 1) on the lot line dimensions, 2) High Intensity Soils Information, 3) waiver for the formal Stormwater Calculations. With this Mr. Harding asked if there were any questions.

Mr. Ciraldo reminded the board that the first issue was determination of completeness.

Mr. Sherman made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Town of Cape Elizabeth for site plan review of a new concession stand and bleachers to be built at Plaisted Park be deemed complete.

Motion was seconded by Mrs. Schenkel.

Mrs. Schenkel wanted to complement Mr. Harding on speaking to every single point that the board had raised at the workshop. She also didn't see any need for a public hearing on this application.

Staff reported that no calls from the public had been received regarding the application. Mr. Sherman and Mr. Hatem also concurred with Mrs. Schenkel.

Mr. Griffin had some concern with layout of bleachers and parents being able to see. He suggested that they be moved back 8 ft.

Mr. Harding said they had listened to his previous suggestions and they had played with the idea of moving the bleachers in different areas and had found other difficulties with the moves.

Mr. Griffin thought that a 4-6 ft envelope would be sufficient to move the building around and not hold up the building envelope.

Mr. Ciraldo had concerns with moving the building it would interrupt traffic.

Jeffrey Bump, of the Little League Boosters, had asked for flexibility of moving the bleachers after building in place for optimal viewing. He also said moving the building back 6-8ft. maximum would not affect the parking area. So between the two they should be able to ensure good viewing.

Mr. Sherman said he would be inclined to leave building as is, he is more concerned with safety in the parking area and also pointed out that bleachers are very rarely filled at little league games.

Mr. Cotter suggested leaving the building where it is and using imagination with moving bleachers in the interest of moving this application along without having to change the motion.

Mr. Ciraldo asked if there were any more questions for the applicant. He proceeded to ask for a motion.

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

Be it ordered that based on the plans and materials presented and the facts presented, the application of the Town of Cape Elizabeth for site plan review of a new concession stand and bleachers to be built at Plaisted Park be approved.

Motion was seconded by Mrs. Schenkel and carried 6 in favor and 0 opposed.

United States Cellular Corporation Utility Building- United States Cellular, represented by Ed Shaw of LCC International, is requesting an amendment to a previously approved site plan to add a utility building to the base of the tower located on Strout Rd and owned by the Strout Family (Leeman Height, LCC). The tower and an area for ground utilities were previously approved. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Mr. Ed Shaw of Lcc International, has been hired by united states cellular to deploy a network in Cumberland County. They have identified a place on Strout road at the base of a tower. He demonstrated where the two towers were and where he planned on placing the building.

Mr. Ciraldo wanted to point out to the board to determine if there is sufficient information here to review. There had not been an engineer review due to a conflict with the Town's engineer. Mr. Ciraldo asked the board if they thought there was any need for it on this project.

Mrs. Schenkel stated that she did drive by the site, that it was very secluded and this change is minor. She also stated that, since Maureen thought this to be a minor change and engineering review not necessary, she would agree.

Mr. Griffin said he would concur and that there had been enough prior reviews to make it unnecessary.

Mr. Ciraldo wanted to know if they had talked about erosion control measures in connection with this?

Mr. Shaw answered that he didn't recall that, however, it is a concern of their's and every measure that needs to be taken will be taken.

Mr. Ciraldo asked if there was a need for a site walk or Public Hearing. With no further comments, Mr. Ciraldo asked for a motion.

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

Findings of Fact

1. United States Cellular Company is requesting an amendment to the previously approved Strout Tower Site Plan to install a 12' x 20' utility building at the base of the tower, which requires Site Plan Review under Sec. 19-9-6, Site Plan Amendments.
2. Construction of the utility building will include removing vegetation and disturbing soil.
3. 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 United States Cellular Company to install a utility building at the base of the Strout tower located on Strout Rd be approved with the following condition:

1. That erosion control measures consistent with Best Management Practices be installed.

Motion was seconded by Peter Hatem and carried 6 in favor and 0 opposed.

Old Sea Point Rd KLS Subdivision Amendment- KLS, LLC (Skip Murray) is requesting an amendment to the previously approved Old Sea Point Rd Subdivision to add a lot on the south side of Old Sea Point Rd. The applicant has purchased land from an abutter, which is being added to a lot, enabling it to be divided into two 80,000 sq. ft. lots. The application will be reviewed for compliance with Sec. 16-2-5, Amendment to a previously approved subdivision.

John Mitchell introduced himself representing KLS, LLC House Road. Mr. Mitchell said they are taking 1 of 3 lots in the original subdivision and dividing it in half into 2 80,000 sq. ft lots.

Mr. Mitchell responded to recommendations made by Mr. Harding and Ms. O'Meara, the first item being a signature block added to the amended subdivision.

1. Item one from Mr. Harding is a request of iron pins, which has been done.
2. Note #9 has been added to the subdivision plan, which notes the latest plan.

3. Added note #8 which indicates issuance of a building permit with frontage on Old Sea Point Road would be responsible to upgrade in accordance to subdivision ordinance.
4. Indicated water services to two lots and has shown 2 1.5' service s to 1st & 2nd lot.
5. Road maintenance agreement is still in effect and does not need to be amended.
6. Mr. Mitchell is asking for 3 waivers; a. 2 ft. contours b. Stormwater Management Plan. c. A completed HHE 200 form for lot 1.

Mr. Harding supports these waivers, deferring the HHE 200 to Mr. Smith the Code Enforcement officer who has recommended that it is not needed until building permit issued.

Mr. Mitchell requested that if the planning board deems this complete and does not see the need for a public hearing, they would request conditional approval this evening.

Mr. Ciraldo mentioned that if there is additional information that the board would like to see, they could raise the issue.

Mr. Sherman asked if there were any responses to the application.

Ms. O'Meara responded there was one call on the workshop notice.

Mr. Ciraldo asked about widening the road from 12 to 18 ft. after a building permit pulled.

Ms. O'Meara said that when a permit was pulled for a new dwelling, the road would be built in accordance to the prior amendment, which is still valid. A note will be added to the plan along with the conditions that have been asked for.

Mr. Ciraldo wanted to know if there would be problems from an 18 ft. road.

Ms. O'Meara stated that potential impacts had already determined and approved for an 18 ft. road in 2001.

Mr. Ciraldo asked what the board wanted to do about a sitewalk and/or public hearing.

Mr. Griffin said he didn't see a need for a site walk or public hearing.

Mrs. Schenkel agreed with Mr. Griffin and asked about 10 ft of paving off Old Ocean House Road to Old Sea Point Road.

Ms. O'Meara said the whole road was to be paved.

Mr. Sherman said he was inclined to move forward and approve the application.

Mr. Cotter agreed with his peers.

Mr. Ciraldo asked for a motion.

Mr. Cotter made the following motion:

BE IT ORDERED that, based on the plans and materials submitted, the application of KLS, LLC (Skip Murray) for an amendment to the previously

approved Old Sea Point Rd Subdivision to add a lot on the south side of Old Sea Point Rd be approved subject to the following conditions:

1. That the plans be revised to reflect the Town Engineer's letter of October 14, 2003; and
2. That a note be added to the plan stating that when a building permit for a new dwelling is requested for any lot that has frontage on Old Sea Point Rd, the road shall be upgraded to be consistent with this approved subdivision plan.

Motion was seconded by David Griffin and carried 6 in favor, 0 opposed.

Aucocisco School Change of Use- Barbara Melnick of the Aucocisco School is requesting Site Plan review of a change of use at 126 Spurwink Ave from a church to a school. A school is a conditional use in the RC District. The Planning Board will be reviewing this project for compliance with the Conditional Use Standards, Sec. 19-5-5(D), and Site Plan Regulations, Sec. 19-9.

Patrick Carroll introduced himself as representative for Barbara Melnick and the Aucocisco School and Learning Center. He stated that school had been in existing for 15 yrs., located in South Portland, which they have outgrown, and found a new location in the old Lutheran church. Mr. Carroll has been working with her for several months.

Barbara Melnick introduced herself as Director of the Aucocisco School and Learning Center. She explained the schools functions; private school for children with learning disabilities and the other is an after school tutorial program for students of any age who have additional educational needs. She discussed the need for space for a playground for children and a physical location more befitting the school.

Mr. Carroll showed the site plan. They are not planning any additions and the only external plans they had were to remove stain glass windows and some doorway and window replacement. Mr. Carroll did have floor plans and elevations available. Mr. Carroll then showed the driveway and the reconfigured parking and paving. He demonstrated where the buses would be accommodated. They will arrive in morning and afternoon. They currently have 37-38 students and plan to slowly increase to 45. Student/teacher ratio is 1:4

Mr. Carroll stated they are placing an exterior dumpster. Details will be forthcoming prior to next meeting. He showed where a soft play area would be placed for the children. The rest of the lot will remain a grass play area and the wooded areas will remain a natural buffer.

Mr. Carroll stated there would be 43 parking spaces: 1 per staff and 1 for every 2 students. Ms. Melnick currently has 28 spaces and that is adequate for school and staff. The School will be served by public water and sewer. They will need to upgrade to a 2" water service for sprinkler system recommended by State Fire Marshall. They will also need to upgrade the electric service. The storm drainage will remain the same, as there will be minimal impact. Town engineer has looked over the report and concluded a storm water report would not be required.

Mr. Carroll asked for a waiver requiring documentation of all site conditions within 200' of the property because of such minimal impact of the site. He also added they will be widening the driveway from 19' to 24' for better visibility and traffic circulation especially for the buses.

Mr. Carroll said they will keep as much existing landscaping as possible and will be adding supplemental shrubbery. The next submission will include dumpster enclosure and landscape plantings.

Mr. Carroll stated that a lot line description was not submitted because the Locus Plan that was approved in 1989 seemed adequate. Since they are not doing work encroaching any setbacks, they would prefer to use that.

Mr. Carroll addressed a comment from Maureen in regard to the traffic study. The conclusion to the survey is that it will remain a "level B" service. Maureen did note that this was for 37 students and there will be up to 45. Mr. Carroll spoke with Bill Bray, who did the study, and he was confident there wouldn't be any detriment.

Mr. Carroll asked if there were any questions and added that the applicant would like to complete this in a timely manner as their lease is up at their current location.

Mr. Ciraldo thanked Mr. Carroll and told the board they should determine completeness.

Mr. Griffin said he agreed with the waiver request.

Mr. Ciraldo then asked the board if they wanted to deem the application complete with the understanding of items to be added to submission or deem incomplete and wait until next meeting. Mr. Ciraldo believes there should be a Public hearing due to impact issue.

Mr. Ciraldo asked for a motion.

Mr. Griffin made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Aucocisco School to convert the building located at 126 Spurwink from a church to a school be deemed complete.

Mr. Hatem seconded the motion and carried 6 in favor and 0 opposed.

Mr. Ciraldo asked if there were any questions on substantive of application.

Mr. Griffin had a question on the sprinkler system. He wanted to know if the Fire Chief made any comments.

Mr. Carroll deferred to David Matero of Stephen Blatt Architects who had met with the State Fire Marshall concerning the Hydro pro system, which can be fit into a 2" water line. Since they are changing the use to a school, the State Fire Marshall strongly recommended it even though they could get by with egress windows.

Mr. Ciraldo asked for other questions.

Mr. Ciraldo asked for a motion.

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

BE IT FURTHER ORDERED that the application be tabled to the November 18, 2003 meeting of the Board, at which time a public hearing shall be held.

Mrs. Schenkel seconded and carried 6 in favor and 0 opposed.

Mr. Ciraldo thanked them and asked for a motion to adjourn.

Mr. Hatem made a motion to adjourn seconded by Mr. Ciraldo. Adjournment carried 6 in favor 0 opposed.

Respectfully Submitted,

Laurie Palanza

