

TOWN OF CAPE ELIZABETH, MAINE
MINUTES OF PLANNING BOARD MEETING

NOVEMBER 18, 2003

7P.M., TOWN HALL

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

Absent: David Sherman

Also present was Maureen O'Meara, Town Planner.

Mr. Ciraldo opened the meeting by reviewing the agenda for the meeting. The first item on the agenda was to approve the minutes from the previous meeting. Mr. Ciraldo asked for a motion for the minutes. Mrs. Schenkel pointed out an error in the minutes concerning a motion that was carried and the number carrying it was wrong. Mr. Ciraldo asked for a motion for the minutes that would be amended. Motion was made by Mr. Griffin and seconded by Mrs. Schenkel. Motion was carried 6 in favor and 0 opposed.

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

CONSENT AGENDA

Highlands Subdivision Berman Amendment – Jeff Berman of 16 Channel View Rd is requesting an amendment to the Highlands Subdivision Plan to allow the installation of fencing outside the building envelope. The request will be reviewed for compliance with Sec. 16-2-5, Amendments to Previously Approved subdivisions.

Mr. Ciraldo stated that this was initially going to be on the consent agenda, however, they had received a couple of letters and given that there had been a slight change, Mr. Ciraldo asked Mr. Berman for a brief summary of the application.

Mr. Berman introduced himself as a resident of 16 Channel View Road, in the Highlands Subdivision in Broad Cove. His proposal was to be able to have a fence constructed outside the building envelope but within his property boundary and outside the wetlands. Mr. Berman acknowledged the concerns of his neighbors in regards to the southeasterly side of the wetlands and the proposed change is agreeable to him.

Mr. Ciraldo stated that the amendment he is looking for would apply to all the lots in the subdivision plan. That is why the neighbors want to change the wording.

Mr. Berman agreed that the lots include 10 – 14.

Mr. Ciraldo asked if there were any questions and without any he asked for a motion.

Mrs. Schenkel made the following motion for the Board to consider:

Findings of Fact

1. Jeff Berman of 16 Channel View Rd is requesting an amendment to the Highlands Subdivision Plan to allow fencing to be installed outside the building envelope, which requires review under Sec. 16-2-5, Amendment to a Previously Approved Subdivision.
2. The original subdivision layout included substantial areas of wetlands within the boundaries of the lots.
3. The application substantially complies with Sec. 16-2-5, Amendment to a Previously Approved Subdivision.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jeff Berman to amend the Highlands Subdivision Plan to allow fencing to be installed outside of the building envelope be approved with the following condition:

1. That no fencing be installed south easterly of the wetlands located south of the homes on lots 10, 11, 12, 13, and 14.

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

NEW BUSINESS

Aucocisco School Change of Use - The Aucocisco School is requesting Site Plan Review to convert the existing church located at 126 Spurwink Ave to the Aucocisco School and Learning Center, Sec. 19-9, Site Plan Public Hearing.

Mr. Ciraldo asked that the applicant come forth and give a summary of the application, especially of any new information.

Barbara Melnick introduced herself as Director and Owner of the Aucocisco School of Learning Achievement Center and was seeking approval for change of use from the Lutheran Redeemer Church to school use. Ms. Melnick then handed over the podium to Patrick Carroll to address changes made.

Patrick Carroll introduced himself as a Landscape Architect with Carroll Associates. He said that the plan submitted are the plans they are seeing with suggested modifications and would briefly go through them.

On the existing conditions plan they added the existing storm drain, which was recommended by the Town Engineer on EC-1. On the site plan they added some additional setback information requested and dimensional requirements regarding to parking and spot grades. They added a wood screen fencing around the dumpster area. Mr. Carroll said there was an issue with water as there is a one-inch pipe that serves the building. They had believed that there was water service down Spurwink Avenue, however it runs down Rte. 77. Mr. Carroll stated that they looked at several options and decided the best option was to leave the one inch water line, which is enough to handle the domestic end, and put a 2500 gallon water storage tank inside that could feed the hydro pro sprinkler systems.

On the landscape plan, the town engineer requested some planting details and tree protection details; those are shown on sheet L3.

Mr. Carroll stated that here was a minor change with the lighting fixtures. Originally there were 8 light fixtures shown. Due to budgeting issues, they sent the plan back to be reviewed by the electrical engineer. The revised site lighting plan has 5 poles which are higher than the original proposal. Two of the poles have double lighting fixtures to obtain the same photometrics to safely light the parking lot.

Mr. Carroll said there was an updated traffic study conducted by Mr. Bill Bray. The initial traffic study was done based on 36 students and, since there was a proposal for a capacity of 45 students, he updated it and the conclusions were similar. The intersection at Rte. 77 and Spurwink Ave. will remain a "level B" service, which is a very good level of service for that intersection. Mr. Bray did make another recommendation to improve site distance looking toward the east up Spurwink Ave.. Mr. Carroll has included in the proposal some pruning of trees along the property line and in the right of way along Spurwink Ave, to meet minimal site distance requirements.

Mr. Carroll wanted to present two minor modifications to the building. Because of the need to accommodate the water storage tank, they are looking at a small building edition off the southeast corner of the site under the open porch, that they would enclose to create a vestibule. The total new building sq. footage would be 180 sq. ft and only 50 sq. ft. in new roof area. Mr. Carroll stated they would hope this could be included in part of the approval for the evening. Alternately they would ask for approval this evening of the submitted plans and return next month for an amendment showing these 2 additions.

Mr. Carroll reiterated that they are doing minimal site work to re-work the circulation. They are preserving all the existing vegetation and adding some vegetation around the building. The major landscape impact will be adding the islands in the parking lots and breaking up the parking lots with landscaping. Mr. Carroll said it would be a good use for the building and wanted to open up the discussion for questions.

Mr. Ciraldo thanked Mr. Carroll and opened up the public hearing.

Mr. Ciraldo closed the public hearing since no one approached.

Mr. Ciraldo asked the Board if there were any questions for the applicant.

Mr. Griffin asked about the sketches in front of them not reflecting the two changes that had been proposed.

Mr. Carroll stated that he had large-scale plans and elevations showing the additions.

Mr. Ciraldo stated that it would be useful to view those.

Mr. Carroll had David Matero from Steven Blatt Architects speak.

Mr. Matero introduced himself. He said the way to handle the one inch water pipe is to have a 2100 gallon water tank which pumps in domestic water, holds it there in there and in case of emergency fire, it will pump 20 min worth of water through 4 sprinklers which should either put out fire or allow the fire department time to get there.

Mr. Matero indicated on the plan where there is an overhang on the existing building where they could extend the roof and place the storage tank. The other proposal is at the vestibule, which they would enclose.

Mr. Griffin asked if the only roof change would be where the tank is.

Mr. Matero confirmed that and displayed where metal roof would continue straight.

Mrs. Schenkel wanted to make a point about the 2 letters they received from abutters concerned about the traffic. She wanted to say that, from their comprehensive traffic plan, there would be little effect from the school and wanted that to go on record.

Mr. Ciraldo said that he did not have any trouble incorporating the recent modifications that night, but wanted to know if there was a plan with enough details for whoever needed details for later on?

Ms. O' Meara asked Mr. Carroll if there was a plan that could be left that night? It was confirmed and Ms. O' Meara said that it would be fine if there was a condition on the board's approval that the backup materials be submitted.

Mr. Carroll agreed to resubmit the site plan, landscape plan, the site electrical plan that will show all changes.

Ms. O'Meara also stated that she had met with the applicant on Friday and they were expecting to have to wait another month. Ms. O' Meara did suggest as an option they could very clearly present to the board what they wanted during this meeting and leave it up to the board if they would be willing to accept the changes.

Mr. Griffin stated that he was pleased with the changes and could accept them without going any further than this evening.

Mrs. Schenkel concurred.

Mr. Charles wanted to propose a motion for the board to consider:

Findings of Fact

1. The Aucocisco School is requesting Site Plan review of a change of use of an existing building located at 126 Spurwink Ave from a church to a school, which requires Site Plan Review and a Conditional Use Permit.
2. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-5-5(D), Conditional Use Standards.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Aucocisco Learning Center for Site Plan review to change the use of the building located at 126 Spurwink Ave from a church to a school be approved with the following condition:

1. That new submittal documents be provided detailing building changes presented at the November 18, 2003 Planning Board meeting prior to the issuance of a building permit.

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

Golden Ridge Subdivision - K & K Realty (Vicki and Jeff Kennedy) are requesting Minor Subdivision Review of the Golden Ridge Lane Subdivision, a 3-lot subdivision located off Route 77 and Golden Ridge Lane, Sec. 16-2-3, Minor Subdivision completeness.

Mr. Ciraldo wanted to remind the board that they need to determine completeness on the application. Once they rule on that they can move to a substantive discussion.

Mr. Fisher introduced himself from Northeast Civil Solutions. He is representing K & K Realty, and Jeff & Vicki Kennedy, and their request for preliminary approval for minor 3-lot subdivision located of Golden Ridge Lane.

Mr. Fisher did an overview of the plans. He displayed an area of 15 acres. They propose 3 different lots to be created at the end of Golden Ridge Lane. Golden Ridge Lane is currently a private way that extends 600 ft. He mentioned to the Board that they were here last year for a private accessway permit, which they withdrew.

Mr. Fisher showed the portion of the Greenbelt trail and where it connects. They are currently proposing to relocate the trail and have it still connect to its original point to the Sprague land and go on to Great Pond. He displayed the existing and proposed trails, the drainage easement, wetlands, building envelopes, and soils boundaries.

Mr. Fisher recognized a letter from Amy Powell, and Mr. Fisher acknowledged speaking to Leslie Young. She and her husband are going to provide them a letter acknowledging they are part of the plans for this subdivision.

Mr. Fisher indicated they had changed the plans from saying remaining lands to lot C. They have also indicated all the building lots as they appear on the plans.

Mr. Fisher responded to Ms. O' Meara's question concerning portion of the Town's Plans that had a portion of the BA district not typically located in the wetland area and they have no problem with that. He explained the larger wetland is part of lot c. The Kennedy's at some point would like to build a house on lot c.

Mr. Fisher displayed the topographical maps that the board should have had before and gave his apologies for that omission. He also stated they had to break up the plans to two different plans because they were getting huge and were not able to display bearings.

Mr. Fisher then stated he would welcome discussion on the RP1 & RP2 wetlands delineation.

Mr. Ciraldo asked what the delineation was based on.

Mr. Fisher said the delineation was based on 3 factors: hydrology, plant life, and soils test. He also submitted the initial soils test data on lot A and lot C, as well as the design for septic system. Mr. Fisher stated that Mr. Kennedy is working with the Town Manager in respect to financial capability.

Mr. Fisher made reference to an informal note from Ms. O'Meara for issues of incompleteness. That is changing the reference of accessway to roadway.

Mr. Ciraldo asked Ms. O'Meara what has and what hasn't been addressed in the list of incompleteness.

Ms. O'Meara stated the only thing that could be taken off the list is the HHE 200 designs. She stated everything else still hasn't been submitted. Assuming she had the plans displayed tonight, there are two items still missing: 1. Right title and interest for lot b, 2. Financial capabilities had yet to have been discussed between the Town Manager and K & K Realty.

Mr. Hatem wanted to know if there was a purchase and sale agreement for Lot A and the status of Lot B.

Mr. Fisher stated there was a land contract for lot A and lot b has been sold to the Young's.

Mr. Charles wanted to clarify that there would only be determination of completeness or incompleteness tonight. He also stated he didn't think they were ready for final approval,

and he also feels due to the amount of deficiencies that they could not find completeness and to send it back. He also thinks that issues with the greenbelt should be taken up with the Conservation Commission.

Mr. Ciraldo stated that Mr. Charles was correct in the determination of completeness only for this meeting.

Mrs. Schenkel was confused because the submission says 16 acres and it didn't add up.

Mr. Fisher stated the roadway was not included in the acreage and it was rounded up.

Mr. Ciraldo joined Mr. Charles in concern with incompleteness. He stated that, from the distance (from the display board), it is hard to determine and should go to planning staff to review prior to the board. He also wanted to reiterate that it has to go through completeness and then approval.

Mr. Fisher wanted to state that nothing had changed on the plans for physical boundaries and contours. He also said the property has changed and they have eliminated the BA district. He said they did have the HHE 200 designs, but do not have financial capability and had thought that went in conjunction with final approval. They need the letter from the Young's. Mr. Fisher said other than the road changes, everything else was done.

Mr. Ciraldo wanted to reiterate again that this needed to be determined as complete or incomplete.

Mr. Griffin concurred, as the Town Engineer has not been able to review newly submitted plans.

Mrs. Schenkel stated that they might want to have a site walk also due to wetland issues.

Mr. Ciraldo asked for a motion.

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

BE IT ORDERED that, based on the plans and materials submitted, the application of K&K Realty for Minor Subdivision Review of Golden Ridge Lane, a 3-lot subdivision located off Bowery Beach Rd, be deemed incomplete.

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

Mr. Ciraldo stated they would review completeness at the next meeting and should talk about a public hearing and site walk.

Mrs. Schenkel wanted a site walk and requests a Conservation Commission member to join them. Mrs. Schenkel was unclear on where the building envelope is and should have something there to clarify.

Mr. Ciraldo thinks a site walk is necessary and wanted to determine a time to do that.

Mr. Ciraldo put forth December 6th, and that was acceptable for the board.

Mr. Ciraldo asked Maureen for someone from the Conservation Commission.

Mr. Ciraldo noted since everyone was in agreement to the public hearing, they will have one.

Mr. Hatem had a question with the easement. Since it is town owned, would the Town Council have to approve any change?

Ms. O'Meara stated that she had spoke with the Town Manager and he wants the Planning Board and the Conservation Commission to make a recommendation.

Mr. Fisher wanted it to be clear that they had already gone on public record to do everything recommended by Conservation Commission but believed it needed the Planning Board to say the Greenbelt recommendations were viable and have them give a go-ahead.

Mr. Hatem wanted to suggest that he shows all items on resubmission and would like to see prior to the site walk.

Mrs. Schenkel asked Mr. Fisher if he had seen and read the memo from the Conservation Commission because there seems to be some difference of opinion between he and his client and the Conservation Commission.

Mr. Fisher agreed and stated he thought the uniform 18ft width easement is going into a portion of the roadway and have nothing to do with the adjacent drainage with the road and have nothing to do with the pathway to the greenbelt.

Mr. Ciraldo asked if there were any other questions?

Mr. Charles would like to make a motion to adjourn.

Mr. Hatem seconded the motion.

Adjournment carried 6 in favor, 0 opposed.

Respectfully Submitted,

Laurie Palanza

