

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

MARCH 16, 2004

7 PM, TOWN HALL

David Griffin
Barbara Schenkel
Peter Cotter
John Ciraldo

Peter Hatem
David Sherman
Jack Kennealy

Also present was Maureen O'Meara, Town Planner.

Mr. Ciraldo opened the meeting by reviewing the agenda. The first item on the agenda was approval of the minutes from the February meeting.

Mr. Ciraldo asked for a motion on the minutes.

Mr. Cotter made a motion to approve the minutes as presented. Mr. Sherman seconded and carried 7 in favor, 0 opposed.

Mr. Ciraldo reviewed correspondence received, and then moved on to the agenda.

CONSENT AGENDA

Comfy Cape Day Care – Kimberly Newman of Comfy Cape Day Care is requesting an amendment to the previously approved site plan for a day facility located at 111 Scott Dyer Rd to expand the fenced play area. The application will be reviewed for compliance with Sec. 19-9-6, Site Plan Amendments.

Mr. Ciraldo reminded Board members that in order to hear from the applicant or have a substantive discussion on any consent agenda item, a motion must be made. He asked whether any Board member wanted to have the item removed from the consent agenda.

Mrs. Schenkel stated that since a letter was received, she would make a motion for the board to move it to the regular agenda.

Mr. Sherman seconded the motion and passed 7 in favor, 0 opposed.

Mrs. Newman stated that she had recently learned that the plot plan was incorrect and would ask the board to table the item until next month.

Mr. Ciraldo made a motion to table and Mrs. Schenkel seconded the motion. Motion passed 7 in favor, 0 opposed.

Community Center Office Change of Use – The Town of Cape Elizabeth is requesting an amendment to the existing site plan approval of the Community Center, located at 343

Ocean House Rd, to change the use of the second floor from residential to office. The application will be reviewed for compliance with Sec. 19-9-6, Site Plan Amendments.

Mr. Ciraldo asked if anyone wanted to move this to the regular agenda. Hearing no comment, he asked for a motion.

Mr. Cotter asked the Board to consider the following motion.

BE IT ORDERED that, based on the materials submitted, the application of the Town of Cape Elizabeth to amend the Community Center Site Plan, located at 343 Ocean House Rd, to change the use of the second floor of the office building from residential to office be approved.

Mr. Hatem seconded the motion and carried 7 in favor, 0 opposed.

Golden Ridge Subdivision Extension of Approval – K & K Realty is requesting that the Minor Subdivision Approval issued by the Planning Board for the 3-lot Golden Ridge Subdivision located on Golden Ridge Lane be extended for 90 days to allow for required plan revisions and deeds to be completed. The request will be reviewed for compliance with Sec. 16-2-3(c) of the Subdivision Ordinance.

Mr. Ciraldo asked if any Board member wanted to move the item to the regular agenda. Hearing no comment, he asked for a motion.

Mrs. Schenkel asked the Board to consider the following motion.

BE IT ORDERED that, based on the facts presented, the request of K & K Realty to extend the Minor Subdivision Approval of the 3-lot Golden Ridge Subdivision, located on Golden Ridge Lane, 90 days to June 14, 2004 be approved.

Mr. Kennealy seconded the motion and carried 7 in favor, 0 opposed.

OLD BUSINESS

Nedwell Private Accessway Permit – Philip and Darlene Nedwell are requesting a Private Accessway Permit for a lot adjacent to 3 South Street (U29-51A/51C), Sec, 19-7-9, Private Accessway Public Hearing.

Owens McCullough, a civil engineer from Sebago Technics, spoke on behalf of the applicants. He stated that they had addressed the conditions from the Town Engineer. He addressed the letter that Ms. O’Meara had prepared for staff review and a letter from the Fire Chief addressing the location of the turnaround outside of the driveway. He discussed the letter he received a letter from Dana Morton, P.E. Mr. McCullough stated they made one change on the plan, changing the 8” storm drain to a 12” drain. The applicant would regrade the road with a crown for water runoff, increase ditch depth, and replace culvert.

Mr. Ciraldo opened the public hearing. With no one coming forward, he closed the public hearing.

Ms. O'Meara stated that she had spoken with the applicant and Mr. Morton, representing the Steinbergs, that afternoon. They had come to an agreement that afternoon and had submitted plans. She stated the applicant has prepared revised plans, which address issues brought forth in letter.

Mr. Hatem asked about the maintenance agreement that the Town Attorney was reviewing and if comments had been received yet.

Ms. O'Meara stated she hadn't received them as of the time she left, however, she would like to have a condition to any motion of approval that a maintenance agreement be submitted in a form acceptable to the Town Attorney.

Mr. Ciraldo asked if there were any other questions.

Mr. Ciraldo asked for a motion.

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

Findings of Fact

1. Philip and Darlene Nedwell are requesting a Private Accessway Permit to build on a lot at the end of the existing end of South Street, which requires review under Sec. 19-7-9.
2. Town ownership of the proposed sewer line will facilitate maintenance and service for sewer users in the future.
3. 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 Philip and Darlene Nedwell for a Private Accessway Permit to build on a lot located at 5 South Street (U29-51d) be approved subject to the following conditions:

1. Ownership of the 8" sewer line to be constructed in South Street be conveyed to the Town with an appropriate easement be reviewed and approved by the Town Attorney and Town Manager.
2. Maintenance agreement be submitted in a form acceptable to the Town Attorney.

Motion seconded by Mr. Griffin and passed 7 in favor, 0 opposed.

Mr. Ciraldo wanted to let Board members know that the April meeting has been changed to April 29th.

Pond Cove Addition/ Cape High School Renovation Site Plan- Request by the Town of Cape Elizabeth for Site Plan Review of the construction of an addition to Pond Cove Elementary School, located at 6 Scott Dyer Rd (U21-12) and a combination of renovations and cafeteria addition to the Cape Elizabeth High School, located at 345 Ocean House Rd, Sec. 19-9, Site Plan Public Hearing.

Mr. Sherman recused himself due to his firm representing the schools.

Tom Greer, of Pinkham and Greer, introduced himself. He stated they were reconstructing the entrance, adding a new bus drop off in front of the school, a plaza in front of the school, building additional spaces for student parking, reconstructing the soccer field, and adding 1500 sq. ft to the cafeteria. He said that, at Pond Cove School, they are adding 8800 sq. ft., which will add 4 student classrooms and a teachers and prep room. Mr. Greer described the schedule, which Pond Cove would be bid first, then the High School starting with the interior first and outside work starting in the summer of 2005. He stated that he made the landscape changes suggested by Ms. O'Meara and will be accommodating the Town Engineer's suggestions.

Mr. Ciraldo opened the Public Hearing.

Neil Williams, Chief of Police, stated that he was concerned with public safety and traffic delays at the entrance to the High School. Through their own survey, the applicant has determined a waiting delay of up to 3 min. 45 sec. He sees this project as an opportunity to include a traffic light that could alleviate the traffic concerns at the entrance on Rte. 77.

Mary Ann Lynch, 2 Olde Colony Lane, stated she is a member of the School Building Committee, and a member of the Town Council. She made reference to the Wilbur Smith report, which recommended the Town put in a left turn lane and a light at the intersection. The school population is supposed to increase by 100 students in 2005, which would create a significant amount of new vehicle trips. If this were a private developer, he/she would be required to do improvements necessary to an acceptable level. The Town and School should be held to those same standards or they should not be enforced at all. Mrs. Lynch hopes are that the approval of this project contains a condition that will require a light and a turn lane. She stated that if a light were required, she would seek from the Town Council to apply for a grant and/or increase the amount of borrowing on the project.

Mr. Ciraldo asked if anyone else wanted to speak. Hearing none, he closed the public hearing.

Ms. O'Meara stated that Mr. DeLeon from Wilbur Smith was in the chambers.

Mr. Ciraldo asked if the applicant had considered any alternatives to the traffic situation.

Mr. Greer stated that the committee recognizes this issue needs to be addressed and are going before the School Board and Town Council that week hoping for some direction.

Mr. Ciraldo said the Board is charged with looking at traffic problems and safety issues, and is hopeful that Building Committee, School Board and Town Council can come into an agreement on this issue.

Mr. Griffin asked Chief Williams if the traffic light would be on all the time or just during peak hours.

Chief Williams stated it would be on a loop. If there weren't any traffic exiting the school, the light would remain green on Rte. 77.

Mr. Kennealy asked Mrs. Lynch if the school project is the causative factor triggering the need for a light.

Mrs. Lynch stated the project has been justified by expanded enrollment. Her understanding was that the traffic standards would apply to new development.

Mr. Ciraldo stated that there have been many times that projects had been brought before the board where the request does not create the problem but was already in existence. The Board has to have application brought into compliance. He asked that Mr. DeLeon take a moment to speak about the traffic study.

Mr. Phil DeLeon, of Wilbur Smith Associates, stated that the Town had hired them for a traffic analysis that included the intersection of Rte. 77 and the High School Driveway. They did a 12-hour traffic count that determined the morning peak was from 6:45-7:45a.m. and the evening peak was 5-6:00p.m. There is certain criterion on a national level that warrants a traffic light. This situation meets the criteria in two categories; in peak hour and in the 4-hour volume. This is based on existing volume, without growth or expansion included.

Mr. Ciraldo thanked Mr. DeLeon and asked if anyone had any other questions.

Mrs. Schenkel stated that it appears that school and student drop off would go through the same loop and wondered if that would create a bottleneck.

Mr. Greer stated that there are very few buses and actual drop-off time of students is minimal. A program similar to this is working in Yarmouth.

Mr. Griffin asked about the quantity of parking spaces.

Ms. O'Meara stated that they calculated the total number of parking spaces, then applied a shared parking concept for spaces required for assembly space. With that, a shortage of 53 spaces from the total required still remains. However, the site is currently not in compliance and this brings the site much closer to compliance. The new proposed spaces are also far in excess of the parking that would be required just for the additions.

Mr. Greer stated that they added enough spaces to make the event area in compliance with the ordinance but the high school demand still does not meet compliance.

Mr. Ciraldo asked Ms. O'Meara if the Board would approve as a nonconforming use.

Ms. O'Meara stated yes, they are meeting the standard with a narrower review of it.

Mr. Ciraldo asked if there were any questions. Hearing none he asked for a motion.

Mr. Griffin 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 the Town of Cape Elizabeth for Site Plan Review of an addition to Pond Cove Elementary School, located on Scott Dyer Rd, and renovations to the High School, located on Ocean House Rd, and related improvements be tabled to the April 29th meeting of the Planning Board.

Mr. Cotter seconded the motion and carried 6 in favor, 0 opposed 1 abstained.

OLD BUSINESS

Isis Development (Paul Woods) is requesting Site Plan review of Cape Elizabeth Commons, a 15,000 sq. ft. mixed use building, to be located at 316 Ocean House Rd. The project will be reviewed for compliance with sec. 19-9, site Plan regulations and Sec. 19-6-4, Town Center Design Requirements.

Mr. Ciraldo recused himself from the item.

Mr. Sherman asked the applicant to give his presentation.

Mr. Paul Woods, of Cape Elizabeth, stated that Tom Saucier from SYTdesign would be speaking for him that evening.

Mr. Tom Saucier introduced himself and provided an overview of the project. The building is proposed to be a 5,000 sq. ft. footprint with mixed use, total of 15,000 sq. ft. on three stories with a height of 35 ft. It would contain retail uses on first floor, office suites on second floor and apartments on the third floor. He discussed the two accesses. They will both be improved to two-way access. The parking has been changed to 45 spaces with 18 spaces from the town lot. All utilities are preexisting and will serve the building. They are looking to drain the storm water to the rear and to enclose the drainage system that will ultimately tie into Rte. 77. He referenced the detailed landscaping plan in the package that shows supplementing existing trees with lilacs and trees in esplanade. He will refine the photometric plan and have matching streetlights with the Town's. They have some underground propane tanks and dumpsters with wooden stockade fence surrounding them as well as stockade fence to replace the one in back of the property.

Mr. Sherman thanked the applicant and asked Board members if they had any questions. Hearing none, he asked for a motion.

Mr. Cotter made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Isis Development for Site Plan review of Cape Elizabeth Commons, a 15,000 sq. ft. mixed use building to be located at 316 Ocean House Rd, be deemed complete.

Mrs. Schenkel seconded the motion and carried 6 in favor, 0 opposed, 1 abstained.

Mr. Sherman asked the board if the site walk or public hearing were necessary.

Mrs. Schenkel stated that they were familiar with site but deferred to Ms. O'Meara about a public hearing.

Ms. O'Meara stated that a couple of the condo owners had contacted her and would recommend a public hearing.

Mr. Sherman asked for a motion.

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

BE IT FURTHER ORDERED that the above application be tabled to the regular April 29th meeting, at which time a public hearing will be held.

Mrs. Schenkel seconded the motion and carried 6 in favor, 0 opposed, 1 abstained.

Mr. Ciraldo wanted to officially welcome Jack Kennealy as the newest Planning Board member.

Mr. Ciraldo asked for a motion to adjourn.

Mr. Cotter made a motion to adjourn.

Mr. Hatem seconded the motion and carried 7 in favor, 0 opposed.

Meeting adjourned at 8:35p.m.

Respectfully Submitted,

Laurie Palanza

