

TOWN OF CAPE ELIZABETH  
MINUTE OF THE PLANNING BOARD

April 28, 2005

7:00 pm Town Hall

Present: David Sherman, Chair  
David Griffin  
Barbara Schenkel  
Jack Kennealy  
Paul Godfrey  
Peter Hatem

Absent: John Ciraldo

Also present was Maureen O'Meara, Town Planner.

Mr. Sherman opened the meeting and asked if there were amendment to the prior month's minutes.

Mrs. Schenkel noted one correction.

Mr. Sherman asked for a motion for the amended minutes.

Mrs. Schenkel made a motion to approve amended minutes.

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

Mr. Sherman reviewed correspondence.

CONSENT AGENDA

**Cape Elizabeth Commons Site Plan Extension** - Paul Woods, of ISIS Development, LLC, is requesting a one-year extension of the Site Plan approval granted for the Cape Elizabeth Commons, a multi-use building proposed for 316 Ocean House Rd, Sec. 19-9-6, Site Plan Amendments.

Mr. Sherman reminded the Board that this is a Consent Agenda item and any comments on the project would require removing it from the Consent Agenda. Hearing none, he asked for a motion.

Mr. Griffin made the following motion:

BE IT ORDERED that, based on the information presented, the original Site Plan Approval for Cape Elizabeth Commons, a retail/office/residential building proposed for construction at 316 Ocean House Rd, be extended to April 28, 2006.

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

## OLD BUSINESS

**Blueberry Ridge Lot 7 Subdivision Amendment** - Deb and Steve Richio are requesting an amendment to the previously approved Blueberry Ridge Subdivision to increase the size of the building envelope for lot 7 (U34-17-7), Sec. 16-2-5, Amendments to Previously Approved Subdivisions Public Hearing.

Deb Richio, 12 Eastfield Road, wants to decrease the side setback from 20' to 15', which is in compliance with the Zoning Ordinance. There has been an agreement reached with the abutter for five plantings.

Mr. Sherman opened the Public Hearing.

David Sawyer, 10 Charlotte St., South Portland, is an abutter to the development. He asked that the Planning Board to look into the elevation of the cul-de-sac. He said he measured it at elevation 84 and the plans require elevation 82. The Planning Board asked Staff to check it. He stated he was in favor of the proposal. Mr. Sawyer was critical of the Blueberry Ridge Subdivision and the Planning Board's application of Town Ordinances.

Mr. Sherman closed the Public Hearing and invited the Board to ask any questions.

Mr. Godfrey asked if plantings had been selected in consultation with the abutters.

Mrs. Richio stated she met with Mr. Boulos on the lot and had gone to Skillins Greenhouse to determine plantings that would survive given the shade cast by existing trees.

Mrs. Schenkel asked if she knew the size of trees to be planted.

Mrs. Richio stated the arborvitaes would be 4-5ft as well as the vibernums.

Mrs. Schenkel recommended there be a 3'-5' tree height designation added to the approval.

Mr. Kennealy made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts discussed, the application of Deb and Steve Richio for an amendment to the building envelope for lot 7 (U34-17-7) of the Previously Approved Blueberry Ridge Subdivision, located off Mitchell Rd, be approved subject to the condition that the plantings in the buffer be a minimum of 3' to 5'.

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

## NEW BUSINESS

**Inn by the Sea Site Plan Amendments** - The Inn by the Sea is requesting amendments to the previously approved site plan, located at 40 Bowery Beach Rd, to add 4 additional rooms to the existing building footprint, expand the porte cochere, revise the lobby expansion and add office space, Sec. 19-9-6, Site Plan Completeness and Public Hearing, and Sec. 19-5-5(D) Conditional Use Review.

Greg Shinberg, Project Manager for Olympia Equity, introduced Scott Teas, architect for the project.

Mr. Teas, TFH Architects, gave an overview of their request for four additional suites to add to the 11 additional suites previously approved. The overall footprint of the project will be reduced as they are reworking the existing space. They have created 19 additional parking spaces. There is an extension of the lobby with a larger counter for guest check-in. The porte cochere has been moved 17' closer to the road. They have raised it to accommodate emergency vehicles. He described the elevation of the addition. A spa is proposed for the lower level of the addition.

Mr. Sherman stated the first issue before the Board was to determine completeness.

Mrs. Schenkel made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of HMM Limited Partnership for Site Plan Review and Conditional Use Review of an expansion of the Inn by the Sea located at 40 Bowery Beach Rd(U17-40/39) to add 15 guest rooms, expansion of the porte cochere, an addition to the lobby and office space be deemed complete.

Mr. Godfrey seconded the motion. 6 in favor, 0 opposed.

Mr. Sherman opened the Public Hearing. With no one coming forward, he closed the Public Hearing. He asked if Board Members had any questions for the applicant.

Mrs. Schenkel asked about a lighting pole for the parking area.

Mr. Teas stated the modifications to the parking plan made that lighting not necessary.

Mr. Godfrey asked how tall the portico would be.

Mr. Shinberg stated it would be 11ft.

Mr. Godfrey asked how he proposed to remedy the maintenance issues between the pavers and the bitumous surface.

Mr. Teas stated they were working with a landscape architect to find an answer for that.

Mr. Godfrey asked why the ground water wells were being reconstructed.

Mr. Shinberg stated that a portion of the work had been done by Al Frick and he would follow up for an answer.

Mrs. Schenkel wanted to verify the porte cochere would allow emergency vehicles.

Mr. Teas stated yes, and would be higher than the minimum requested by staff.

It was discussed whether it be a condition on the plan concerning why the groundwater well is being reconstructed. It was determined that the applicant would provide information regarding reconstruction of the groundwater monitoring wells and, if staff determined it would alter the approved site plan, then it would be brought back before the Board for review.

Mr. Hatem made the following motion.

#### Findings of Fact

1. HMM Limited Partnership is proposing an expansion of the Inn by the Sea, located at 40 Bowery Beach Rd, which requires review under Sec. 19-9, Site Plan Review and Conditional Use Review under Sec. 19-5-5.
2. The Town Engineer has recommended that additional information be added to the plans.
3. The plans show a light pole in an area that is no longer proposed to be used for parking.
4. The Planning Board has previously conducted a review focusing on hosting outside events at the Inn by the Sea in a manner that complies with Site Plan Standards, particularly noise standards, which needs to be incorporated into this approval.
5. 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 HMM Limited Partnership for Site Plan Review and Conditional Use Review of an expansion of the Inn by the Sea located at 40 Bowery Beach Rd (U17-40/39) to add 15 guest rooms, expansion of the porte cochere, an addition to the lobby and office space 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 4/20/05;
2. That the light pole at the end of the west parking lot be relocated or eliminated;
3. That all of the requirements associated with the hosting of outside events for up to 172 guests be incorporated into this approval; and
4. That there be no alteration of the site nor issuance of a building permit until the plans and materials have been revised to reflect the above conditions and comments from Mr. Godfrey concerning the groundwater well reconstruction. Once the developer has answered the question and if Town Staff feels it needs review, it will be brought back before the Board.

Mrs. Schenkel seconded the motion. 6 in favor, 0 opposed.

Mr. Sherman asked for a motion to adjourn.

Mr. Hatem made a motion to adjourn.

Mr. Griffin seconded. 6 in favor, 0 opposed.

Meeting adjourned at 7:40pm.

Respectfully Submitted,

Laurie Palanza  
Minutes Secretary

