

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

May 17, 2005

7:00 pm Town Hall

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

Absent: John Ciraldo  
David Sherman

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order. The first item of business was acceptance of the minutes and a motion was requested.

Mr. Kennealy made a motion to accept the April minutes.

Mr. Hatem seconded the motion. 4 in favor, 0 opposed. (Mr. Griffin absent for vote)

Mrs. Schenkel reviewed correspondence and proceeded to the first item of business.

CONSENT AGENDA

**Karu Subdivision Amendment** - Candace Karu is requesting an amendment to convey a 3,300 sq. ft. strip of land in the protected open space of the Karu Subdivision, located on Arlington Lane, to the abutter, Sec. 16-2-5, Subdivision Amendment.

Mrs. Schenkel reminded the Board any discussion on the item would require removing it from the Consent Agenda. Hearing none, she asked for a motion.

Mr. Hatem made the following motion:

BE IT ORDERED that, based on the plans and materials submitted, the request of Candace Karu to transfer a 3,300 sq. ft. strip of land from the protected open space area in the Karu Subdivision located on Arlington Lane to the abutter be approved as a Consent Agenda item.

NEW BUSINESS

**Two Lights Professional Center Site Plan** - Wyley Enterprises, LLC is requesting Site Plan Review of a mixed-use building consisting of 6,000 sq. ft. of commercial office space and 2 apartments located at 517 Ocean House Rd (U18-13), Sec. 19-9, Site Plan Completeness.

Owens McCullough, Civil Engineer from Sebago Technics, represents Wyley Enterprises. He discussed the proposed building to be located on Davis Point Ln, behind Two Lights General Store. The building will be a professional building, with the second floor having two apartments and offices, the first floor being all offices. Access to the project will be through an existing 40' travel way called Davis Point Lane, which the applicant will improve. The parking lot will have 24 regular parking spaces and 4 compact spaces. The two story wood framed building is being designed by Mark Sengelmann and will be traditional/colonial in design. It will have composite siding that will have a natural look, and is very durable.

Mr. FitzPatrick, the applicant, had met with abutters and was able to tailor buffering and landscaping. Mr. McCullough stated the utilities to the project would be public utilities, extending water from Ocean House Road as well as public sewer. The back portion of the parcel is a RP1 wetland, and since the area has been determined to be densely developed, and in accordance with the Zoning Ordinance, the setback will be reduced from 250' to 100'. The applicant will protect a culvert currently draining an abutter's basement. There will not be pole lighting in the parking lot as they are trying to be respectful of the neighborhood. The proposed light fixtures mounted on the building are up inside the fixture, do not have bleed over lighting, and are low voltage.

Mrs. Schenkel asked for questions pertaining to completeness. Hearing none, she asked for a motion for completeness.

Mr. Godfrey made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Wyley Enterprises, LLC for Site Plan Review of the Two Lights Professional Center, a mixed-use commercial/multi-family building located on Davis Point Lane, be deemed complete.

Mr. Hatem seconded the motion. 5 in favor, 0 opposed.

Mrs. Schenkel asked the Board about a Public Hearing and/or a site walk.

Mr. Hatem stated he was in favor having it piggybacked with the Turkey Hill Farm site walk.

The site walk was scheduled for June 7<sup>th</sup> at 5:00p.m., with the abutters to the project invited and a Public Hearing was scheduled for June 21, 2005. The Board scheduled The Farm Camp at Turkey Hill site walk immediately after this site walk.

BE IT FURTHER ORDERED that the above application be tabled to the regular June 21, 2005 meeting of the Planning Board, at which time a public hearing shall be scheduled.

Mr. Griffin seconded the motion. 5 in favor, 0 opposed.

Mrs. Schenkel asked if there were any questions for the applicant.

Mr. Godfrey asked if there would be specified working hours due to the shared parking.

Mr. McCullough stated they hadn't intended to specify working hours but would generally have core hours of 7:30a.m. – 5:00p.m. He believes that there is more than sufficient parking.

Mr. Godfrey asked about the two parking spaces that would back out on the street and if that is allowed in the Zoning Ordinance. He also asked that the applicant have contact with the Chief of Police for traffic consideration while doing the sewer work on Rt. 77 as the intersection can be busy.

Mrs. Schenkel asked if there would be sufficient light in the winter from the lighting they are proposing.

Mr. McCullough stated they felt there would be relatively few occasions for the need of pole lighting, but they are not against it. They felt they might get some bleed over light from the Two Lights General Store, which is well lit.

Mrs. Schenkel asked if they would have to blast.

Mr. McCullough stated they don't expect to blast as the soils have been determined to be mostly sand and gravel.

Mrs. Schenkel thanked the applicant and reminded the public was welcome to attend the site walk scheduled on June 7<sup>th</sup>.

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**Poole Private Road Review** - Victoria Poole is requesting review of a Private Road named Old Mill Rd located off of Old Ocean House Rd in order to provide frontage for additional lots in a family subdivision, Sec. 19-7-9(B) and Sec. 16-3-2, Road Design and Construction Standards.

Robert Metcalf, Mitchell & Associates, was representing the Poole family and gave an overview of the parcel. They have requested a waiver on road width to maintain the character of a family compound. They are replacing a 4" water main with an 8" main and a hydrant that will service another property in the rear. The applicant is asking for a waiver for paving the turnaround, using gravel instead. They asked for a waiver for the stormwater report. He had discussed with the Town Planner the language in the easement description and if it was sufficient for the road maintenance agreement. He stated that Owen Haskell was reviewing the survey and there were minor changes in bearings and markings. These changes will be reflected in the plans.

Mrs. Schenkel asked if there was a motion.

Mr. Kennealy made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application by Victoria S. Poole for a Private Road Review under the Subdivision Ordinance for Old Mill Rd, located off Old Ocean House Rd, in order to create the frontage for a new lot as part of a family subdivision be deemed complete.

Mrs. Schenkel asked the Board if a Public Hearing or site walk would be warranted.

The Board agreed that a site walk and Public Hearing were not needed.

Mrs. Schenkel asked the Board for any other questions.

Mr. Hatem made the following motion.

1. Victoria S. Poole is requesting a Private Road Review under the Subdivision Ordinance for Old Mill Rd, located off Old Ocean House Rd, in order to create the frontage for a new lot as part of a family subdivision, which requires review under Sec. 16-3-2, Road Design and Construction Standards.
2. The Town Engineer has recommended revisions to the plans that are consistent with town construction standards and Planning Board practice.
3. In place of compliance with road width standards, the applicant is offering easements that convert 2 dead end roads to an emergency access loop. These easements should be reviewed by the Town Attorney.
4. Paving the turnaround will increase the likelihood of year-round maintenance.
5. The private road should be subject to a maintenance agreement.
6. The application substantially complies with Sec. 16-3-2, Road Design and Construction Standards.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Victoria S. Poole for a Private Road Review under the Subdivision Ordinance for Old Mill Rd, located off Old Ocean House Rd, in order to create the frontage for a new lot as part of a family subdivision be approved, subject to the following conditions:

1. That the plans be revised to reflect the recommendations of the Town Engineer in his letter dated 5/11/05, paragraphs 4, 5 and 7;
2. That the easement deeds be reviewed and approved by the Town Attorney;

3. That the turnaround be paved;
4. That the applicant submit a private road maintenance agreement in a form acceptance to the Town Attorney.
5. That there be no alteration of the site, nor building permit issued until the above conditions have been met.

Mr. Griffin seconded the motion.

Mrs. Schenkel asked for one revision, to change #5 to #6 and for #5 add that the plans incorporate any changes revealed from the survey.

Mr. Hatem amended the motion.

Mr. Griffin seconded the amendment and carried 5 in favor, 0 opposed.

Mr. Hatem made a motion to adjourn.

Mr. Kennealy seconded the motion. 5 in favor, 0 opposed.

Meeting adjourned at 7:43 p.m.

Respectfully Submitted,

Laurie Palanza  
Minutes Secretary