

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

June 21, 2005

7:00 p.m. Town Hall

Present: David Sherman
Peter Hatem
David Griffin
Paul Godfrey

Absent: John Ciraldo
Jack Kennealy
Barbara Schenkel

Also present was Maureen O'Meara, Town Planner.

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

Mr. Hatem made a motion to accept the minutes as presented.

Mr. Griffin seconded the motion

Mr. Sherman reviewed correspondence and discussed moving item #2 to be the first item on the Agenda.

Mr. Hatem made a motion for the Grover Road Private Accessway Permit to be the first item on the Agenda.

Mr. Griffin seconded the motion and passed unanimously.

GROVER RD SUBDIVISION AMENDMENTS AND PRIVATE ACCESSWAY PERMIT - Leland P. Murray, III and Stephen Murray are requesting amendments to the previously approved Grover Rd Subdivision to reconfigure existing lots, build a public road and construct a private accessway for lot 1, all located at the end of Grover Rd (U20-7), Sec. 16-2-5, Amendments to Previously Approved Subdivision, and Sec. 19-7-9, Private Accessway Permit. (This project was approved 2/15/05 and expired when the plan was not recorded within 90 days)

Mr. Bob Metcalf, Mitchell & Associates, apologized for taking the Board's

time on this, as there was a miscommunication in getting the Mylar recorded. The Plan before the Board is the same as the one before the Board earlier in the year.

Mr. Sherman thanked the applicant and asked the Board for any questions/comments.

Mr. Hatem made the following motion.

Findings of Fact

1. Leland and Steve Murray are requesting amendments to the previously approved Grover Rd subdivision to reconfigure existing lots, build a public road and construct a Private Accessway for lot 11, all located at the end of Grover Rd (U20-7) which requires review under Sec. 16-2-5, Amendments to previously approved Subdivisions, and Sec. 19-7-9, Private Accessways.
2. The site includes existing trees in the area of the road right-of-way that provide a buffer to the abutter.
3. The plan includes the conveyance of easements.
4. A pedestrian walkway will be installed at the end of Grover Rd to connect to Fowler Rd.
5. A performance guarantee will insure that the subdivision is developed in accordance with the approved plans.

THEREFORE, BE IT ORDERED, that, based on the plans and materials submitted and the facts presented, the application of Leland and Steve Murray for amendments to the previously approved Grover Rd Subdivision to reconfigure existing lots, build a public road and construct a Private Accessway for lot 11, all located at the end of Grover Rd (U20-7) be approved, subject to the following conditions:

1. That the trees to be preserved on the south side of Grover Rd and a tree preservation plan that includes installation of a barrier at the drip line of the trees be added to the plans;
2. That the road and drainage easement deeds be submitted in a form acceptable to the Town Attorney and the Town Manager;
3. That the pathway extending from the end of Grover Rd be surfaced in a manner that will withstand erosion on steep slopes; and
4. That a performance guarantee be submitted in a form acceptable to the Town Attorney, in an amount acceptable to the Town Engineer, all acceptable to the Town Manager prior to the issuance of a building permit and/or any alteration of the site.

Mr. Griffin seconded the motion. 4 in favor, 0 opposed.

OLD BUSINESS

7:05 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 Public Hearing.

Mr. Owens McCullough, Sebago Technics, gave an update of the project to the Board.

The Town Engineer and Public Works Director had requested some modifications to the utilities in which they increased the size of sewer to an 8" pipe with easements to Davis Point Lane in the event there would be future sewer extension. They were also asked to push Davis Point Lane to the center or the right of way, in case the road should need to service additional development. The Police Chief asked that they do not disrupt the pavement until after the Beach to Beacon race, which they have agreed to. They have also agreed to the Town Manager's request for a pedestrian easement, which could be another future access to the Great Pond. There will be a cedar stockade fence around the solid waste container. The applicant has agreed to add a street tree along the road as well as replace an existing tree should it die during excavation. He stated he appreciated the Board meeting them on site and the ability to work with the abutters on this project.

Mr. Sherman thanked the applicant and opened the Public Hearing.

Gail Schmader, 511 Ocean House Road, an immediate abutter to the property, stated that this project would have significant impact on her property. Buffering is critical for her property. She wanted to verify that on the plan it is noted the length of the stockade fence would be 24-30', with option to have it up to 32' if needed. The large tree is very important to the buffering from Two Lights Store and would ask for a variance in the road right-of-way if necessary to save this tree. She asked if there would be a posted speed limit on the road and if it would be marked a private way.

Mr. Sherman closed the Public Hearing and asked the Board if there were any questions for the applicant.

Mr. Hatem asked if moving the road would have any impact on saving the tree.

Mr. McCullough stated he didn't believe that moving the road would make a difference in saving the tree, but they will replace the tree if necessary.

Mr. Griffin asked what kind of tree would they replace it with.

Mr. McCullough stated it would be a 3" caliper tree and be 14'- 16' in height.

Mr. Griffin asked if the lighting on the building would be operating 24 hours a day.

Mr. Griffin discussed the possibility of a posted speed limit and asked the Town Planner what type of road they creating.

Ms. O'Meara stated it was a private road, which under the Zoning Ordinance can be required to meet the same standards of a local subdivision road.

Mr. McCullough stated it could operational 24 hrs, as it is low wattage. They can also put it on a timer to go off at 9 or 10:00 pm.

Mr. Griffin encouraged the latter.

Mr. Griffin made the following motion.

Findings of Fact

1. Wyley Enterprises, LLC is requesting Site Plan Review of a mixed office/multi-family residential building, including 6,000 sq. ft. of office space and 2 apartments, located on Davis Point Lane, which requires review under Sec. 19-9, Site Plan Regulations.
2. The plans include the conveyance of easements to Lot 1, Lot 2 and the Town of Cape Elizabeth.
3. The applicant and abutter have agreed in concept to the placement of stockade fencing to shield the abutter's property from headlight wash.
4. The project includes a dumpster surrounded by fencing to screen the dumpster.
5. The project includes the clearance of existing vegetation to relocate the road and the planting of street trees along the reconstructed Davis Point Lane.
6. The Police Chief is recommending that there be no construction in Route 77 until after this year's Beach to Beacon Race.
7. The plan 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 Wyley Enterprises, LLC for Site Plan Review of a mixed office/multi-family residential building, including 6,000 sq. ft. of office space and 2 apartments, located on Davis Point Lane be approved, subject to the following conditions:

1. That the plans be revised to reflect the comments of the Town Engineer in his letter dated 6/14/05;
2. That sewer and pedestrian access easements be submitted in a form acceptable to the Town Attorney and the Town Manager;

3. That a 6' high, wood stockade fence of up to 30' long, actual length to be determined by the abutter, be placed on the Davis Point Lane southern right-of-way boundary across from the entrance to the parking lot;
4. That the fence screening for the dumpster be wood stockade;
5. That the plans include a note that soil suitable for tree growth be placed along the entire length of Davis Point Lane for a width of 5' to support the proposed trees.
6. That an additional red oak tree be planted on the south side of Davis Point Lane in the Route 77 right-of-way, approximately 40' east of the nearest proposed tree, unless the Maine Department of Transportation objects in writing to planting the tree;
7. That the applicant not begin any utility connections into Route 77 that will disrupt the pavement until after the Beach to Beacon Race, which is scheduled for August 6, 2005; and
8. That after one year they will review traffic patterns and applicant will install an appropriate sign
9. That a timer be placed on the light so it turns off no later than 10:00 pm and turns on at dawn the next day.
10. That there be no alteration of the site, no issuance of a building permit, until the plans and materials are revised to reflect the above conditions and submitted to the Town Planner for a determination that the conditions have been satisfied.

Mr. Godfrey seconded the motion. 4 in favor, 0 opposed.

NEW BUSINESS

Farm Camp at Turkey Hill - Nicole Chaison is requesting Site Plan Review to operate a summer camp for up to 35 children at Turkey Hill, located at 122 Old Ocean House Rd (R03-20), Sec. 19-9, Site Plan Completeness and Public Hearing.

Nicole Chaison, Co-Director for the Turkey Hill Summer Camp, gave an overview of the layout of the property, which is owned by Peter Eastman. She stated there would be porta-potties for the current year and hopes to have more permanent facilities next year. There will be sheep, chicken, pigs and rabbits on the farm. There will be 30 designated parking spots for the parents.

Holly Sheehan, Co-Director for the Turkey Hill Farm. She stated that the owner, Peter Eastman, has a vision of farm being a community resource and working farm. For the last year and a half, it has been an organic vegetable and animal farm. The curriculum for the children will be focused around the farm animals and gardening, as well as local

ecology. This will only be a day camp, much like the one she helped start at Wolfe's Neck Farm in Freeport.

Mr. Sherman asked if there were any comments or questions.

Mr. Hatem made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Nicole Chaison and Holly Sheehan for Site Plan Review to operate the Farm Camp at Turkey Hill Farm, located at 122 Old Ocean House Rd, for up to 32 children be deemed complete.

Mr. Griffin seconded the motion. 4 in favor, 0 opposed.

Mr. Sherman opened the Public Hearing. With no one coming forth, he closed the Public Hearing and opened up Board discussion.

Mr. Godfrey suggested signage to show that it is a one-way loop.

Ms. Sheehan stated that they had a sign.

Mr. Griffin asked the use of the Porta-Potty.

Ms. Sheehan stated that they have worked this out with the State. They will also have access to running water at a bathroom in the foyer of the farmhouse. For them to get State approval next year, they will have to have a vault toilet system in place.

Mr. Griffin asked about the usage of the trails and if there would be much neighborhood contact.

The applicant said they would be using trails on the existing trail system.

Mr. Godfrey made the following motion.

Findings of Fact

1. Nicole Chaison and Holly Sheehan are requesting Site Plan Review to operate the Farm Camp at Turkey Hill Farm for up to 32 children, which requires review under Sec. 19-9, Site Plan Regulations.
2. The Public Works Director is recommending that the first 10' of the driveway extending from Old Ocean House Rd be paved;
3. The State of Maine has approved a portable toilet sanitation system for one year; and

4. 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 Nicole Chaison and Holly Sheehan for Site Plan Review to operate the Farm Camp at Turkey Hill Farm, located at 122 Old Ocean House Rd, for up to 32 children be approved, subject to the following condition:

1. That the Farm camp not operate after 2005 until the first 10' of the driveway extending from Old Ocean House Rd be paved.

Mr. Griffin seconded the motion 4 in favor, 0 opposed.

Mr. Hatem made a motion to adjourn.

Mr. Godfrey seconded the motion. 4 in favor, 0 opposed.

Respectfully submitted,

Laurie Palanza

