

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

November 15, 2005

7:00 pm Town Hall

Present: David Sherman, Chair  
John Griffin  
Barbara Schenkel  
Peter Hatem

Absent: Jack Kennealy  
John Ciraldo  
Paul Godfrey

Also present was Maureen O’Meara, Town Planner

Mr. Sherman reviewed correspondence and asked for a motion on the minutes.

Mr. Griffin made a motion to approve the minutes.

Mrs. Schenkel seconded the motion. 4 in favor, 0 opposed.

OLD BUSINESS

Inn by the Sea Site Plan Amendments - The Inn by the Sea is requesting amendments to the previously approved site plan to reconfigure the entrance, to adjust the building addition, to construct a mechanical building, and to establish a temporary construction entrance for the Inn located at 40 Bowery Beach Rd, (U17-39/40), Request to be Tabled.

Mr. Hatem moved that the application for the Inn by the Sea be tabled to the December 20, 2005 meeting.

Mrs. Schenkel seconded the motion. 4 in favor, 0 opposed.

NEW BUSINESS

Sunrise Island LLC Private Accessway Permit – Len Gulino of Sunrise Island LLC is requesting a Private Accessway Permit to create a new lot located at 78 Wells Rd (R5-1), Sec. 19-7-9, Private Accessway Completeness.

Mr. Gulino, representing Sunrise LLC, stated he is requesting a certification of completeness and conditional approval of the Private Accessway. Staff notes had indicated that most of the items were complete with the exception of establishing the floodplain on the site as indicated. He has asked the surveyor, Owen Haskell, to put on his plan the flood plain line. He addressed Oest Associates comments concerning the road and erosion control. Sebago Technics has made these changes to the plans. He asked for determination of completeness with his newest plan submittal which he could distribute.

Mr. Sherman stated the Board must first determine completeness.

Mr. Griffin made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Sunrise Island LLC for a Private Accessway Permit to create a new lot with insufficient frontage located at 78 Wells Rd be deemed complete.

Mrs. Schenkel seconded the motion. 4 in favor, 0 opposed.

Mr. Gulino reviewed all information compiled as well as surveys and assessments.

Ms. O'Meara stated that Town Staff has had full review and the project could be subject to approval. The Board could make a conditional approval subject to the floodplain line being below the building envelope.

Mrs. Schenkel asked if anyone had called on the project?

Ms. O'Meara stated not that she remembered.

Mr. Gulino stated that Sebago Technics addressed everything in the letter from Oest Associates. He distributed the adjusted plans amongst the Board members. He discussed the driveway and turnaround. The Public Works Director wanted vegetation removed from the easterly side of driveway removed, and this has been notated on the plan.

Mr. Hatem asked if the vegetation was in the public right-of-way or is it on the lot.

Mr. Gulino stated the vegetation is on the old lot. Some of the other requests include speed bumps to the drainage ditch to slow down the flow of water, and to prevent silt runoff, and a screen fabric has been added along side of the driveway. The last substantive change is the driveway, which will now consist of 2" of asphalt, 3" gravel, and 15" of gravel sub base.

Mr. Sherman addressed a comment from the Town Engineer concerning a plunge pool.

Mr. Gulino stated that a drain was added to pull water underneath the road and enter the plunge pool.

Mr. Hatem had concern with the 13% slope of the driveway and asked Ms. O'Meara if there were any restriction against that.

Ms. O'Meara stated there were none.

Mr. Gulino stated the first 50' off of Wells Road is fairly flat and should not be an issue.

Mr. Gulino stated he was very sensitive to the needs of the neighbors and met with both abutters. He does not believe there would be any negative impact and will in fact be enhancing the property. He requests that the Board grant approval that evening.

Mr. Sherman asked the Board if they wanted to proceed with approval or schedule a site walk and/or public hearing.

Mr. Griffin did not believe a site walk or public hearing would be necessary. The other Board members concurred.

Mr. Sherman asked for a motion.

Mr. Hatem made the following motion.

BE IT ORDERED that, based on the materials submitted and the facts presented, the application of Sunrise Island, LLC for a Private Accessway Permit to create a new lot with insufficient frontage located at 78 Wells Road be approved, conditioned on the applicant implementing the recommendation of the Town Engineer in his November 8<sup>th</sup> letter and as shown on the plan dated November 14<sup>th</sup>, 2005 submitted before the Board this evening.

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

Ms. O’Meara suggested that a condition be added that the applicant submits the plan that included the floodplain.

Mr. Hatem amended his motion to include that the applicant submits the plan showing the flood plain.

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



Spurwink Woods Subdivision – Spurwink Woods LLC is requesting preliminary Subdivision Review and a Resource Protection Permit for Spurwink Woods, a 42-unit/lot subdivision located between Killdeer Rd and Dermot Drive, Sec. 16-2-4, Subdivision Completeness, and Sec. 19-8-3, Resource Protection Permit Completeness.

John Mitchell, representing Spurwink Woods, identified the other team members providing technical information for this project. The project site is located between Dermot Drive and Killdeer Rd, is 24.97 acres and is zoned in the RC district. He gave an overview of the properties surrounding the project site. He described the topography and elevations across the property. The wetland delineation was done during the spring and summer months this year. There is a RP1 wetland delineation with a RP2 wetland surrounding it. The site will be serviced by public utilities. Public road frontages include Spurwink Road, Dermot Drive and Killdeer Road.

Mr. Mitchell discussed determining density. The Ordinance has a specific formula to use. First they identified unsuitable land, which included 15% for streets, wetlands, and exposed bedrock, which calculated to 8.91 acres. This allows a net residential area of 16.06 acres. This could accommodate 46 lots, however, the project is only proposing 42.

The layout of the property was determined after several meetings with Town Staff and there was a neighborhood meeting. The preliminary plan has 26 single-family lots and 19 condominium units on 25 acres. They utilized the Open Space provisions in the Ordinance when creating the 22 clustered lots. The 23<sup>rd</sup> lot is an existing residence located on Killdeer Rd. The average lot size is 9,000 sq. ft and the homes will be 2200-2500 sq ft with 3 bedrooms and 2 ½ bathrooms. The 19 condominiums will be situated on the westerly portion of the property. They will be one 1½ story cape style structure with a 2 car garage, 3 bedrooms and 2 ½ bathrooms. They will be marketed towards empty nesters.

They have incorporated an extensive trail system, which will connect to Town owned land and existing trails off of the property. These trails will be available to the abutting neighbors and general public to use.

There will be underground utilities. DEP is requiring three basins for stormwater control as the project is located in an Urban Impaired Watershed. There is an application for a Resource Protection Permit in this submittal. The next submission will include wetlands on individual lots. Included are a Traffic Impact Study and a fiscal impact study

Mr. Sherman indicated the Board needed to determine completeness.

Mr. Griffin asked Ms. O'Meara if the issue of wetlands was satisfied as a completeness item.

Ms. O'Meara stated the lots that had wetlands on them and their plans reflect that. The expectation is that property owners will want to improve the property so staff is recommending that the alteration be included in the permit application now. There is an area that has a R.O.W. connection that would dead end at an abutting property where there is a small wetland. The applicant is willing to make changes in the next submission to add these wetland alterations to the permit application.

Mr. Mitchell stated they had 10,000 sq. ft of wetland alteration, including the lots.

Mr. Griffin made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Spurwink Woods LLC for Preliminary Subdivision Review and a Resource Protection permit for Spurwink Woods, a 42-unit subdivision, located between Dermot Drive and Killdeer Rd, be deemed complete.

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

Mr. Sherman stated that the Board should consider a site walk. It was determined that a site walk would happen on December 10<sup>th</sup> at 8:00 am. The Board will meet at the end of Dermot Drive and the public is invited to attend.

Mr. Sherman asked staff to issue an email to the Conservation Commission, Planning Board and post the site walk on the website. He stated that there would be 2 Public Hearings, 1 for Preliminary Subdivision Review, and 1 for Final Subdivision Review. The first Public Hearing will be held on December 20<sup>th</sup>, 2005.

Mrs. Schenkel stated that there are many abutters concerned with traffic. She believes there should be an independent traffic study done for the Planning Board.

Ms. O'Meara clarified with the Board that they wanted a traffic engineer review the work that has been submitted and supplement where needed. She suggested Wilber Smith Associates as they already have a relationship with the town.

Mrs. Schenkel asked about runoff from the project construction and wetland disturbance.

Mr. Mitchell stated all runoff would be controlled to predevelopment rates.

Ms. O'Meara stated that a meeting would be scheduled with the DEP and Town Staff in hopes of finding a better solution than the three basins.

Mrs. Schenkel verified with Mr. Mitchell that, with all the construction, the water flow will not affect the neighborhoods surrounding the project.

Mr. Mitchell confirmed that.

Mrs. Schenkel asked about the low income or affordable housing.

Mr. Mitchell stated that they providing 3 lots for low-income housing. They are lots 11, 21 & 22. Lots 21 & 22 will have a shared lot line with a zero setback.

Mr. Hatem asked for a motion.

Mr. Griffin made the following motion.

BE IT ORDERED that the above application be tabled to the regular December 20, 2005 meeting of the Planning Board, at which time a public hearing shall be held.

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

Mr. Hatem made a motion to adjourn.

Mrs. Schenkel seconded the motion. 4 in favor, 0 opposed.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Laurie Palanza  
Minutes Secretary

