

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

March 21, 2006

7:00 p.m. Town Hall

Present: Barbara Schenkel, Acting Chair
David Griffin
Jack Kennealy

Peter Hatem
Paul Godfrey

Absent: John Siegfried
David Sherman

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel opened the meeting and the first order of business was approval of the prior month's minutes. With noted amendments, she asked for a motion.

Mr. Griffin made a motion to accept amended minutes.

Paul Godfrey seconded the motion. 5 in favor, 0 opposed.

Mrs. Schenkel reviewed correspondence.

CONSENT AGENDA

High School Athletic Field Lighting- The Town of Cape Elizabeth is requesting an amendment to a previously approved Site Plan for the High School to install new lighting mounted on 70' high poles at the athletic field located behind the High School, Sec. 19-9-5, Site Plan Amendments.

Mrs. Schenkel reminded the Board that, for substantive discussion to occur, the item would need to be removed from the Consent Agenda. She stated that the applicant provided plans demonstrating the .5 candle foot maximum light level to the property line will be met.

Mr. Kennealy made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Town of Cape Elizabeth to amend the School Renovations Site Plan to upgrade the lighting at the athletic field located behind the High School, located at 345 Ocean House Rd, be approved as a Consent Agenda item.

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

OLD BUSINESS

Avon Rd Private Accessway Permit - Graham Pillsbury of the Early Bird Group is requesting a Private Accessway Permit for a lot located on Avon Rd (U12-14), Sec. 19-7-9, Private Accessway Permit Public Hearing.

Jim Fisher, representing the Early Bird Group, reviewed changes, which included the addition of the cross section detail of the driveway for the 30' right-of-way on the plan, and a note concerning trenches for the sewer and water to connect to the utility systems.

Mrs. Schenkel thanked Mr. Fisher and opened the Public Hearing.

Karla Bernstein, 19 Trundy Road, wanted to verify that they would not be continuing the paper street from Avon Rd to Trundy Rd.

Ms. O'Meara stated there was never a proposal to continue the paper street all the way from Avon Rd to Trundy Rd. There was discussion to place the driveway in the paper street, off of Avon, which has since been abandoned.

Ms. Bernstein asked if the project was before the Board due to the street frontage of the lot.

Ms. O'Meara stated yes, that it is an existing lot of record from a 1920's subdivision. It meets all the requirements for a nonconforming lot, with the exception of road frontage. A Private Accessway Permit will allow the applicant to meet the frontage requirements.

Ms. Bernstein stated that the lot was clear cut at 1 Avon Road and would like to see trees left on this lot as the other property does not look good. She would also like the developer to show some courtesy, as she had surveyors walking over her property, and never asked permission to go on her property.

Jackie Robinson, 17 Trundy Road, stated she shared a driveway with the Bernstein's. She also has concerns with the lot being clear-cut, especially because of 1 Avon road and how badly that looks.

Nancy Entwistle, 2 Avon Road, stated she is concerned about the street. The Board should take in consideration the neighbors that reside there. She has had to speak to the workers at 1 Avon Road several times because of litter from the site.

Mrs. Schenkel closed the Public Hearing and opened the floor to Board discussion.

Mr. Godfrey stated that during the site-walk, there was discussion concerning trees to be saved. He asked if there were specific notes on the plan stating which ones would be saved.

Mr. Fisher stated no, as there were no house plans yet. All improvements on the land must be done within the building envelope. One of the purposes for asking for the Private Accessway is to be able to save as many trees as possible.

Mrs. Schenkel asked if the trees that will not be taken down could be noted on the plans.

Mr. Fisher stated they could do that, however, there could be root systems to trees that could be disturbed. If a major root system goes into the building envelope and is disturbed during excavation, a tree, or trees, could die. They will not be excavating outside the building envelope.

Mrs. Schenkel asked about the shape and slope of the driveway as it pertains to stormwater runoff.

Mr. Fisher stated that the area of the driveway, where it connects with Avon Road, should be raised above the existing topography in order to ensure that stormwater from Avon Rd does not affect the locus by the driveway.

Mr. Griffin asked about the foundation line in the building envelope. After Mr. Fisher stated that the foundation line could change, Mr. Griffin wanted the neighbors to be aware that a foundation could be placed anywhere in the building envelope and tree growth could be disturbed anywhere within the building envelope. He does believe the builder is interested in saving as many trees as possible.

Mrs. Schenkel asked an amendment be included in the motion, that a note be added to the plan stating that every effort will be made to preserve existing trees outside the building envelope.

Mr. Godfrey stated that he would like to see as many trees be saved, however, the reality is root systems could get destroyed, and there are no guarantees.

Ms. O'Meara stated the amendment could be a problem as far as proving intent. An option would be limiting the applicant to regrading only in the building envelope. This would squeeze the building into the envelope more tightly and give the trees a better chance.

Mr. Pillsbury, developer of 5 Avon Road, stated he wants to save as many trees as possible, but is difficult to give a guarantee.

Mrs. Schenkel asked Mr. Fisher how he felt about the option Ms. O'Meara discussed.

Mr. Fisher stated that if you limit the amount of grading outside of the building envelope, it is likely there will be more blasting to keep the building close to the original grade. Expanded blasting could extensively damage roots of trees, more than regrading outside the building envelope. Therefore, restricting grading outside of the building envelope could result in damaging a great number of trees.

Mrs. Schenkel would still want a note on the plan. Other Board members agreed.

Mr. Hatem questioned the litter issue, if it was coming off the work project, or if it was on the work project.

Mrs. Entwistle stated it was coming off the project. She had to speak with workers at the project as the dumpster was not closed. She asked for greater courtesy, as it is a residential neighborhood.

Mr. Hatem made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Graham Pillsbury of the Early Bird Group for a Private Accessway for a lot located at 5 Avon Rd 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 2/13/06;
2. That a note be added to the plans that prohibits the placement of principle or accessory structures outside the building envelope;
3. That the road maintenance agreement be revised per the comments of the Town Attorney in his letter dated 3/14/06 and signed by the applicant; and
4. That plans and documents be revised per the above conditions prior to the recording of the Private Accessway approval.
5. That a note be added to the plans indicating every effort will be made to preserve the trees outside the building envelope.

Ms. O'Meara asked that #4 and #5 conditions be switched.

Mr. Hatem amended his motion.

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

Mrs. Schenkel discussed the meeting scheduled in April, which is during the school vacation, to see if it would need to be moved. It was determined that the meeting would be held April 26th.

Mr. Godfrey made a motion to adjourn.

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

Meeting adjourned at 08:40 p.m.

Respectfully submitted,
Laurie Palanza

