

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

April 25, 2006

7:00 PM TOWN HALL

Present: David Sherman, Chair
Barbara Schenkel
David Griffin
Paul Godfrey

Jack Kennealy
Peter Hatem
John Siegfried

Also present was Maureen O'Meara, Town Planner.

Mr. Sherman opened the meeting and asked for comments on the prior month's minutes. Hearing none, he asked for a motion.

Mrs. Schenkel made a motion to accept the minutes.

Mr. Griffin seconded the motion. 7 in favor.

Mr. Sherman reviewed the agenda and correspondence. He stated there was a suggestion to take the agenda out of order, as review of the Jordan Subdivision should be briefer.

Mr. Griffin made a motion to review the Jordan Subdivision first.

Mr. Siegfried seconded the motion. 7 in favor.

Mr. Sherman thanked the Zoning Board for changing meeting nights to accommodate the Planning Board.

NEW BUSINESS

Jordan Subdivision - The Jordan Family is requesting Minor Subdivision Review of the Jordan Subdivision, a 3-lot subdivision located off Deer Run Rd, Sec. 16-2-3, Minor Subdivision Review Completeness.

Bob Metcalf, Mitchell & Associates, gave an overview of the layout of the project. He stated there is an existing CMP easement that runs through the parcel, and existing underground utilities to join to. The proposal is for 3 lot subdivision using the open space provisions. The total parcel is 73.8 acres with 5.72 acres dedicated to the proposed lots. They are proposing to expand the 30 ft wide Deer Run Road easement to 50 ft. wide R.O.W. to provide frontage for the proposed lots. The boundary line for the pond has changed to remain with the heirs. He reviewed the density standards for the project. The Open Space and the R.O.W. will be owned by the heirs. There was confusion concerning the road name, however, the applicant is going to use Hockey Pond Way. Mr. Mitchell reviewed the requested waivers, which include the construction standards for Deer Run Road, a note placed on the plan to restrict any new lots to be constructed on the roadway needs to go to the Planning Board for review of the road standards. A

waiver is requested for Hockey Pond Way to be 18 ft wide to maintain an agricultural feel. They want a temporary waiver for the HHE-200 until a building permit is sought. They want a waiver for some of the granite monuments; this was discussed with the Public Works Director. They are requesting a waiver for required street trees to maintain wooded buffer and agricultural fields. There is a temporary waiver request for a P.E. stamp on grading. They are requesting a waiver for the plat plan scale to be 1" = 60' as well as a waiver for a stormwater report.

Staff had requested an easement from the applicant to connect to existing open space. The applicant does not want to have a public easement because of the existing agricultural fields; they believe this would create a liability issue.

Mr. Metcalf addressed comments submitted by the Town Engineer; including paving the first 50' of Deer Run Road, evaluate the existing culvert at Deer Run, clarifying the boundary survey, and adding two stop signs.

Mr. Sherman stated the first item for the Board to consider is completeness.

Mr. Siegfried asked if the Code Enforcement Officer commented on the HHE-200 forms.

Ms. O'Meara stated that he did not comment, however, that he is used to getting those at a later date when the building permit application is submitted.

Mr. Hatem made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Jordan Family Heirs for Minor Subdivision Review of the 3-lot Jordan Farm Subdivision, located off Deer Run Road, be deemed complete.

Mrs. Schenkel seconded the motion. 7 in favor, 0 opposed.

The Board determined a site walk would be scheduled on April 29, 2006 at 8:00 a.m.

Ms. O'Meara stated that the Conservation Commission is very concerned because most of lot 1 and a portion of lot 2 are in the 250' RP1 Buffer. They are opposed to having the buffer within lot lines as people tend to make improvements on the property and the buffer would not remain in its natural state.

Ms. O'Meara discussed the restrictions concerning the Open Space.

Mr. Sherman asked if the applicant had given thought to not include the buffer.

Mr. Metcalf stated no, and there was issue with the CMP easement.

Mr. Sherman suggested further comment be withheld until the site walk and asked for a motion.

Mr. Hatem made the following motion.

BE IT FURTHER ORDERED that the above application be tabled to the regular May 16, 2006 meeting of the Planning Board, at which time a public hearing shall be held.

Mr. Kennealy seconded the motion. 7 in favor, 0 opposed.

OLD BUSINESS

Spurwink Woods Subdivision - Spurwink Woods LLC is requesting Final Subdivision Review, Amendments to the previously approved Mitchell Highlands and South Portland Estates Subdivisions, and a Resource Protection Permit for Spurwink Woods, a 42-lot/unit subdivision located between Killdeer Rd and Dermot Drive, Sec. 16-2-4, Final Subdivision Review Completeness, Sec. 16-2-5, Subdivision Amendments, and Sec. 19-8-3, Resource Protection Permit.

John Mitchell, Mitchell & Associates, reviewed the preliminary approval; addressing the adoption of the Bisected Lot Amendment by the Town Council, and the traffic calming meeting that were conditions met. He addressed the permits that have been applied for, which include, the Stormwater Permit, a revised Stormwater Permit, a Notice of Intent, the NRPA Permit and the Permit by Rule. A meeting was held with Tom Gorrill, of Gorrill & Palmer, and abutting neighbors to discuss traffic calming measures. He discussed added language to Franklin Circle note and reviewed the driveway location for lot 13.

Mr. Mitchell reviewed the 3 phases of development to occur in Spurwink Woods. Lots 1-13 will be included in phase 1 and the Open Space will be deeded to the Town during this time. Phase 2 includes Franklin Circle, which includes lots 14-23. Phase 3 includes the remainder of South Street and the condominium project. He stated that all comments from the Town Engineer and Tom Errico, who reviewed the traffic report, have been addressed. He reviewed the legal documents; which he believes the Town Attorney has reviewed and approved. An irrevocable letter of credit has been submitted as well as a cost estimate for all 3 phases. He reviewed the list of revisions that have been included in the submission. He asked Mr. Gorrill to review the traffic issues.

Tom Gorrill, Gorrill Palmer, reviewed the traffic-calming meeting that occurred on March 22, 2006 and was attended by approximately 31 neighbors. He gave a PowerPoint presentation highlighting the different types of traffic calming measures and how they would effect each neighborhood. They broke the meeting into 2 groups, one representing South Street, Hamlin and Spurwink Ave, and the other representing Columbus, Killdeer, and Mitchell. Every one was able to speak 3-4 minutes to give their preference of what traffic calming measure they would want imposed. At the end they summarized what was important amongst the two groups. Unanimously, the neighbors wanted a gate. He stated that the applicant's are not in favor of a gate, that interconnectivity is a better choice. He does not believe there would not be significant cut-through traffic, which was confirmed by the peer review study conducted by Tom Errico. He recommends that a gate not be

implemented until completion of the project and a study shows that they were wrong in their traffic cut-through estimations.

The second choice at the traffic calming meeting would be reducing the road width on Columbus as this has been shown to reduce speed. The 3rd choice would be stop signs. This can pose a problem as over use of stop signs tends to lead to people ignoring them. The 4th choice would be tree installation along both sides of Columbus. There was no support for speed humps or speed tables. Hamlin Street did show some support for a speed hump, however the street is only 700 ft long and would not be a big benefit. Street chicanes were eliminated after neighbors were able to see it projected from the PowerPoint presentation. He summarized the neighborhood desires from the meeting, which include a 22ft curb-to-curb width on South Street, a raised crosswalk from South Street to Franklin Circle, and stop signs at Dermot Drive, Franklin Circle, and Killdeer Street. A multi stop sign will be placed at Killdeer and Columbus, and the installation of street trees every 40 ft. He also recommends a study be done at about 75% completion concerning the gate.

Mr. Mitchell stated a revised Stormwater Management plan had been submitted and the Town Engineer determined them to be complete. Mr. Harding's letter, and all revisions will be included in the next submission.

Mr. Harding stated the next item was completeness.

Becky Fernald, asked to speak.

Mr. Sherman stated that they typically do not allow public speaking at these meeting and asked the Board for input.

Mr. Hatem said he didn't mind if it was OK with the Chair.

Mr. Sherman stated his inclination was not to allow it as there will be a Public Hearing in May. Since she was unable to write an email, and her concerns pertain to completeness, he would allow her to speak briefly.

Becky Fernald, Mitchell Road, stated there is another wetland in between Canterbury Commons and the proposed condominium. She stated you can skate there in the winter and now it is filled with peepers. Her other issue is vernal pools. She stated that Mr. Mitchell had referred to saving trees and she didn't see on the plans for trees designated to be saved.

Mrs. Schenkel stated that another abutter had asked for another study be done on stormwater runoff and asked what had been done about that.

Ms. O'Meara stated the applicant has just submitted a revised stormwater plan and the Town Engineer has found the report to be complete.

Mr. Griffin stated they will be addressing trees at a later time.

Mr. Sherman stated the Board must determine completeness before discussing the projects merits.

Ms. O'Meara stated the issue of trees 10" in diameter is an issue of preliminary subdivision review and the applicant had shown areas of trees to be preserved. In the package the Board has is the completeness checklist, which is what they are voting on. Trees are not on that list.

Mr. Sherman asked if there were any more questions on 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 Spurwink Woods LLC for Final Subdivision Review, a Resource Protection permit and amendments to previously approved subdivisions for Spurwink Woods, a 42-unit subdivision, located between Dermot Drive and Killdeer Rd, be deemed complete.

Mr. Godfrey seconded the motion. 7 in favor, 0 opposed.

Mr. Sherman asked that the Board do some substantive review and asked to begin with the traffic calming measures.

Mr. Siegfried was not confident that eight years from now, if it is determined that a gate is needed, that one would be put in place. He would like to see verbiage towards that. Since the people want a gate, it should be added.

Mr. Kennealy stated it is important to conserve the neighborhood feel and integrity. A gate is a good idea for this project. He wanted to express his understanding of the frustration coming from the public as the Board receives numerous emails and cannot engage in conversation outside of meetings as the Board is quasi-judicial.

Mr. Hatem stated his inclination is against a gate, however, he could be persuaded.

Mrs. Schenkel believes a gate is #1 with the abutters and would vote for it. She is concerned with the traffic that will affect Dermot Drive. She does not want to wait for implementation at a later date.

Mr. Godfrey stated that a gate is not a traffic calming measure and not a wise choice for the intended goal of interconnectivity. There are good opportunities to use other traffic calming measures to achieve the desired result. He believes a win/win situation can be achieved by allowing connectivity, and limiting cut-through traffic. If the experts are wrong, a gate could be placed.

Mr. Griffin stated he doesn't believe in interconnectivity. He doesn't believe a gate will stop interconnectivity as people who walk will be able to get to the other neighborhoods through the gate.

Mr. Sherman echoed Mr. Godfrey's comments. He lives in Broad Cove and it is a poor example of sound planning. He stated next traffic calming measure to review would be stop signs.

Mr. Hatem stated they are going in, the questions are where and how many?

Mr. Kennealy stated that he lives on a dead end street with a stop sign that is essentially ignored and is not monitored.

Mr. Godfrey said they should be placed at needed locations only.

Mr. Sherman agrees with Mr. Kennealy and Mr. Godfrey. He asked that they address sidewalks and tree plantings.

Mrs. Schenkel is not happy with what the developers had decided from the meeting. The neighbors stated they did not want trees. She thought that conifer trees in the esplanade would be a better choice so there wouldn't be leaves to clean up or drainage issues from the trees.

Mr. Sherman stated that he believes a sidewalk the length of Columbus Road would be an effective traffic calming measure. If stop signs are not going to be effective, then there really need to be sidewalks put into place.

Mr. Siegfried asked if there was room to add a sidewalk on Columbus.

Ms. O'Meara stated yes, it will be placed on a portion of the R.O.W., however, most people consider that part of their lawns.

Mr. Sherman asked the Board their thoughts on the construction of South Street.

Mrs. Schenkel would like to build South Street, however, the builder should not have to bear the full cost. If South St. and Stephenson St. were paved, it would benefit everyone.

Mr. Sherman stated he is not sure that would be a traffic calming measure. It may be a good idea, but he only wants the builder to implement traffic calming measures.

Mrs. Schenkel disagrees. She also would like some consideration at Stephenson St. and Spurwink Ave. She is unsure if a 3-way stop sign would be effective there.

Mr. Godfrey stated that clearly issues concerning safety and traffic need to be addressed in that area. Site distance will need to be improved, and some type of warning device needs to be put into place.

Mr. Kennealy stated that the neighbors have spoken with a unanimous vote and any decision should be weighted by that.

Mrs. Schenkel seconded that.

Mr. Sherman asked the Board to discuss buffering and to consider another site walk for visiting the neighbor's properties and finding what they want for buffering.

Mr. Griffin thought the site walk approach would be best and there was general agreement from the Board.

Mrs. Schenkel asked that everyone tell their neighbors in case someone is out of town, so they could leave written instructions.

Mr. Sherman suggested that the site walk could be lengthy, and he and Ms O'Meara could map out the walk beforehand. He asked the Board to consider a date.

The site walk was scheduled on May 6th at 8:00 a.m.

Mr. Siegfried asked how long each phase of the development would take.

Mr. Mitchell stated it would rely on sales.

Mr. Siegfried asked if there is a time frame so that it doesn't go on forever.

Ms. O' Meara stated they would require the applicant to record the plan within 90 days, and there is not a time frame on a start date.

Mr. Cooper stated that they would want to start as soon as possible. Their hope is for completion of the development in 3-5 years.

Mr. Godfrey stated there was a note for removal of the raised crosswalk at the request of the Town. He requests that the note not be removed until they know where they are going with this. He asked if the Town has the authority to supercede the Planning Board.

Ms. O'Meara stated that once the Planning Board approves a plan, any amendment would bring the project back before the Board.

Mr. Godfrey is in favor of the raised crosswalk in that spot.

Mr. Hatem stated, that, at a later date the Town can add stop signs or crosswalks as the Town owns and maintains the street.

Ms. O'Meara mentioned the Elizabeth Farms subdivision, where the Town took over the road and made improvements without going before the Planning Board.

Mr. Kennealy asked about the wetlands adjacent to the site.

Ms. O'Meara stated when the original survey was done, they determined there was not an RP1 buffer within the boundaries of the project.

There was discussion concerning taking out note #5 concerning the raised crosswalk.

The Board discussed where to meet for the site walk. It was determined to meet at the corner of Mitchell and Columbus, where the Board can park on Town land.

Mr. Sherman stated there still needed to be a motion concerning a public hearing and site walk.

Mr. Griffin made the following motion.

BE IT FURTHER ORDERED that the above application be tabled to the regular May 16, 2006 meeting of the Planning Board and a site walk scheduled for May 6, 2006 at 8:00 a.m.

Mr. Griffin added to the motion that a public hearing be held at the May 16, 2006 meeting.

Mr. Kennealy seconded the motion. 7 in favor, 0 opposed.

Mr. Sherman stated there was one more item concerning the 5 Avon Road approval.

Ms. O'Meara stated that a tree in the Town R.O.W. was removed. The applicant made an apology. The applicant had asked permission to take the tree down, however, the Town had not granted permission prior to the removal. The applicant was fined \$2,000.

The Board had discussion concerning this and determined the Town had taken care of the situation.

Mr. Sherman stated there would not be a May Workshop as there is no business. He asked for a motion to adjourn.

Mr. Hatem made a motion to adjourn.

Mr. Kennealy seconded the motion. 7 in favor, 0 opposed.

Meeting adjourned at 9:25p.m.

Respectfully Submitted,

Laurie Palanza

