

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

October 17, 2006

7:00 p.m. Town Hall

Present: David Sherman, Chair
Paul Godfrey
Barbara Schenkel

Peter Hatem
David Griffin
Jim Huebener

Absent: Jack Kennealy

Mr. Sherman opened the meeting and welcomed new Planning Board member Jim Huebener. Mr. Sherman also sent a message of support from the Planning Board to Jack Kennealy and his family. Mr. Sherman asked for comments on the minutes of the previous meeting, September 19, 2006. No discussion was offered, so a motion was called for.

Mr. Hatem made a motion to accept the minutes.

Mr. Godfrey seconded the motion. 6 in favor, 0 opposed.

Mr. Sherman reviewed the correspondence and proceeded to the new business.

NEW BUSINESS

Cape Elizabeth Land Trust Office Site Plan – The Cape Elizabeth Land Trust is requesting Site Plan Review to renovate the existing, vacant building located at 330 Ocean House Rd into an office for the Land Trust, Sec. 19-9, Site Plan Review Public Hearing.

Mrs. Schenkel reported to the Board that she has reviewed all the information and minutes of the last meeting. She also disclosed that she is a member of the Land Trust and that her husband is a member of the Land Trust Board. She is willing to recuse herself but feels no bias in reviewing this application. The Board agreed that she should be able to participate in the review of the project.

Chris Franklin, Executive Director of the Cape Elizabeth Land Trust, addressed the Planning Board and stated that there have been no major changes to the proposed plans. The Land Trust is soliciting bids and is excited about the move.

Mr. Sherman opened the public hearing. No one stepped forward to speak and the public hearing was closed.

Mr. Godfrey made the following motion:

Findings of Fact

1. The Cape Elizabeth Land Trust is proposing to convert an existing building located at 330 Ocean House Rd to office space, which requires review under Sec. 19-9, Site Plan Regulations.
2. 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 The Cape Elizabeth Land Trust to convert an existing building located at 330 Ocean House Rd to office space be approved.

Mrs. Schenkel seconded the motion. 6 in favor, 0 opposed.

High School Turf Field – The Town of Cape Elizabeth is requesting Site Plan Review to convert the athletic field located behind the high school to a turf field and add bleachers and a concession/storage building, Sec. 19-9, Site Plan Review Public Hearing.

Graham Smith, representing Kids Turf, explained the changes made since the last meeting. They included following up on the issues identified by the Town Engineer. He noted that Phase II included the bleachers and concession stand.

Mr. Sherman opened the public hearing. No one stepped forward to speak and the public hearing was closed.

Mr. Godfrey asked if there were any changes to the parking required for this project.

Ms. O'Meara responded that a parking calculation for the entire school campus, which includes the elementary school and middle school, was prepared as part of the site plan approval for the high school project. In order to avoid having to revise that calculation, the applicants have not altered any parking areas. In addition, the approved parking calculation included shared parking spaces and was driven by the parking needs for assembly space, which the athletic field would fall under.

Mrs. Schenkel asked if the bleachers would interrupt the use of the parking lot.

Ms. O'Meara responded that there is space to place the footings for the bleachers so that they do not disturb the underground sewer line, the stormwater structure and do not interfere with plowing snow out of the parking lot. A condition of approval has been proposed that prior to installation of the footings, the applicant would need to get the location of the footings approved by the Public Works Director.

Mr. Sherman noted that the Phase II plans were included at the request of the Planning Board. He thinks the proposed condition makes sense and appreciates seeing the Phase II plans now.

Mr. Griffin made the following motion:

Findings of Fact

1. The Town of Cape Elizabeth is requesting Site Plan Review of a proposed turf field, concession building, and bleachers to be constructed on the site of an existing athletic field located behind Cape Elizabeth High School, which requires review under Sec. 19-9.
2. Bleachers are proposed to be located over existing underground utility structures.
3. The concession building and coaches box are part of Phase II and will likely require electricity.
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 the Town of Cape Elizabeth for Site Plan Review of a proposed turf field, concession building, and bleachers to be constructed on the site of an existing athletic field located behind Cape Elizabeth High School be approved, subject to the following conditions:

1. That the Public Works Director approve the proposed location of the footings for the bleacher system prior to installation; and
2. That the applicant provide to the Code Enforcement Officer a plan for extending electricity to the coaches box and concession stand prior to application for an electrical permit.

Mr. Hatem seconded the motion. 6 in favor, 0 opposed.

Funny Farm Site Plan – Scott Rockwell of the Funny Farm Daycare is requesting Site Plan Review and a Conditional Use Permit to operate a day care facility for 43 children located at 119 Old Ocean House Rd, Site Plan Completeness, Sec. 19-9, and Conditional Use Review, Sec. 19-5-5(D).

Scott Rockwell, owner of the Funny Farm Child Care Center, introduced the project until his consultant arrived. He is seeking Site Plan approval and Conditional Use Permit for his business on Old Ocean House Rd, which operates from 7:30 a.m. to 5:30 p.m. weekdays. They care for 10-12 toddlers, and 16 3-5 year olds and also offer an after school program. There are two playgrounds behind the house and the daycare uses the existing driveways for access. They want to preserve the old farmhouse style character and are not proposing any exterior changes, except for installing a new septic system.

Mrs. Schenkel made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Funny Farm to operate a day care facility for up to 43 children, located at 119 Old Ocean House Rd, which requires Site Plan Review and a Conditional Use Permit, be deemed complete.

Mr. Hatem seconded the motion. 6 in favor, 0 opposed.

Mrs. Schenkel asked why this needed Planning Board review.

Ms. O'Meara explained that the applicant has local approval to care for 6 children and they have expanded the daycare into a daycare facility, which requires Site Plan Review and a Conditional Use permit. They have been operating a daycare facility without obtaining the necessary local approvals and they are now correcting that deficiency.

Mr. Sherman suggested that why they are here now is irrelevant and that we should proceed with the review.

Regarding the scheduling of a public hearing, Mr. Hatem noted that he saw no reason not to hold a public hearing. Mr. Sherman concurred.

Regarding scheduling a site walk, Mr. Hatem said he did not see the need. If there are unique issues, is it valuable to see the site as a group.

Mrs. Schenkel said she was not familiar with the site, but could go on her own to see it, or with the planner.

The consensus of the Planning Board was to schedule a public hearing, but not a site walk.

Mr. Griffin made the following motion:

BE IT FURTHER ORDERED that the above application be tabled to the November 21, 2006 meeting of the Planning Board, at which time a public hearing shall be held.

Mrs. Schenkel seconded the motion. 6 in favor, 0 opposed.

Mr. Godfrey and Mr. Hatem then noted that the November meeting was 2 days before Thanksgiving and they would not be able to attend. In order to guarantee a quorum, the Board agreed to move the November meeting to Monday, October 30, 2006November 27th.

Mr. Sherman accepted a motion to adjourn.

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Maureen O'Meara
Town Planner