

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

January 16, 2007

7:00 p.m. Town Hall

Present: Barbara Schenkel, Chair
Paul Godfrey
James Huebener
Beth Richardson

Scott Collins
Peter Hatem
Jack Kennealy

Mrs. Schenkel called the meeting to order and welcomed Mrs. Richardson and Mr. Collins as new members to the Board.

Mrs. Schenkel announced the public forum on the Comprehensive Plan to be held on January 25, 2007. She urged people to come and give that Committee their views. She said the Plan is on the Town web site and she invited residents to come and give their opinions.

Mrs. Schenkel then called for comments on the minutes of November 26, 2006.

Mr. Huebener made a motion to accept the minutes.

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

OTHER BUSINESS

Election of Officers

Mrs. Schenkel called for nominations for Chairman.

Mr. Kennealy nominated Mrs. Schenkel.

Mr. Huebner seconded the nomination. 7 in favor, 0 opposed.

Mrs. Schenkel then called for nominations for Vice Chairman.

Mr. Godfrey nominated Mr. Hatem.

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

Eldercare Zoning Amendments

Ms. O'Meara introduced the proposed zoning amendments and gave the historical context for the proposed amendments. The amendments are proposed for eldercare beds

and apartments only in the RC District. The owners of the former Viking Nursing Home want to redevelop the property into a nursing home and eldercare apartments. The property was originally developed under zoning regulations that allowed a greater density than the current zoning. It would be a return to the greater density previously allowed to reduce the land area to 2,100 sq. ft. per bed.

In order to accommodate the goal of constructing 40 eldercare apartments on the site, it is proposed that the zoning ordinance be amended to reduce the land required from 3,500 sq. ft./ unit to 2,500 sq. ft. / unit

The other proposal is to allow the expansion of a nonconforming structure in an RP1-wetland buffer to increase by 80% in volume or floor space as long as it does not increase the footprint and as long as it is connected to public sewer and is not a single family home.

This proposal is also to accommodate the tearing down of the old wing of the Viking Nursing Home and rebuilding within a smaller footprint, but adding a second floor to what was once a one-story building.

Ms. O'Meara also talked about the map and list of properties she generated to illustrate the lots in the RC District which are over 5 acres in size and could potentially be affected by this amendment. She reviewed the list of properties in order and spoke of which ones are severely restricted by wetlands, which ones are already fully developed, which ones are open space, etc.

Mr. Hatem questioned whether the existing buildings are one or two stories and whether there is an adequate definition for the ordinance.

Ms. O'Meara replied that the wing that was built in the 1990's is two stories and the older wing built in the 1970's is one story. She has also consulted with the Code Enforcement Officer and he is comfortable that there is an adequate definition in the codes for "one-story."

Mrs. Schenkel thought there were 55 assisted living units already in use in the building.

Ms. O'Meara replied that there had been 55 beds in the building, but the entire building is now vacant. The developer is not contemplating any substantial changes to the newer wing.

Mr. Huebener was wondering about the 80% addition to the current volume. Would it let a developer do whatever he wants to do?

Ms. O'Meara noted that when we look at wetlands impacts, the footprint coverage is the largest concern. This change ties the increase in volume to a connection to public sewer,

which might have beneficial effects on the wetlands. The Planning Board also wanted to keep the increase below 100% to prevent a complete second story on any one story building.

Mr. Huebener also requested a slight change in the wording of the amendment to be sure that the intent of the Board is clear that a building must be on public sewer and not be a single family home.

Mrs Richardson said she understands that this applicant is requesting a second floor be added, but she questioned whether anything would prevent a future applicant from adding a 3rd or 4th floor or even a tower, as long as they stayed within the 80% range.

Ms. O'Meara responded that there is a height limit of 35 ft. in all the districts of the Town. The Board is also adding the restrictions that the building must be on public sewer, and not be a single family home. Those restrictions have eliminated almost all the properties in Town. The height limit is absolute, no matter where you are in Town.

Mr. Collins asked if you can get a variance from the height limit.

Ms. O'Meara said no.

Mrs. Richardson said she had been concerned that someone could build a tower of 5 stories and still remain within the 80% restriction, but she is reassured by the height restriction.

Ms. O'Meara clarified her earlier response by saying you could apply for a variance for the height, but she could not imagine a situation where you could meet the standards for a variance.

Mrs. Schenkel noted that she was under the impression that the amendment said you could only add one story.

It was pointed out that you have to start with a one story building, if you have two stories to start out with, you can't do it.

Mr. Godfrey wanted to know about the 2500ft. per unit. Is that an absolute value or an average?

Ms. O'Meara responded that you take the total acreage of the parcel, and then subtract out the roads, wetlands, easements and isolated portions of the property and what is left is the net residential acreage. When you have the net residential acreage, you take the number of beds you want to have and multiply by 2500 and that is the amount of land that goes into your beds.

Mr. Godfrey wondered if we would also want to modify the definition of rooming or boarding homes too.

Ms. O'Meara noted that the Board could make such a recommendation if it chose to do so, but she reminded that Board that there will be recommendations coming from the Comprehensive Planning Committee, and maybe it would be good to do all those changes at once.

Mrs. Schenkel reminded the Board that they would not be recommending the zoning changes to the Town Council tonight. There needs to be a scheduled public hearing prior to the final recommendation to the Council.

The revised amendment was read by Mr. Hatem, and will be posted on the Town web site.

Mr. Huebener made the following motion:

BE IT ORDERED that based on the draft text, the Planning Board tables the Eldercare/Wetland Zoning Amendments to the February 26, 2007 meeting, at which time a public hearing shall be held.

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

Mr. Kennealy made a motion to adjourn.

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

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Hiromi Dolliver,
Minutes secretary