

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

April 23, 2007

7:00 p.m. Town Hall

Present: Scott Collins
Paul Godfrey
Jack Kennealy

Peter Hatem
Beth Richardson

Acting Chair Peter Hatem called the meeting to order. He apologized to the members of the public attending for the crowded meeting room. The Town Council needed the Town Council chambers for a meeting.

With a motion by Mr. Godfrey, seconded by Mrs. Richardson, the minutes of the February 26th meeting were approved without amendment.

CONSENT AGENDA

Land Trust Lighting Site Plan Amendment - The Cape Elizabeth Land Trust is requesting an amendment to the previously approved site plan to add security lighting to the office building proposed at 330 Ocean House Rd, Sec. 19-9-6, Site Plan Amendments.

Mr. Hatem explained that this was a Consent Agenda item and asked if any member of the Board would like to discuss the proposal, in which case a motion to move it to the regular agenda would be needed. No request was made.

Mrs. Richardson made the following motion, seconded by Mr. Godfrey:

BE IT ORDERED that, based on the plans and materials submitted, the application of the Cape Elizabeth Land Trust for an amendment to the previously approved Site Plan for an office building located at 330 Ocean House Rd to add a light fixture to the sides of the building be approved.

The motion was approved 5-0.

NEW BUSINESS

Thompson Rd Private Accessway Permit - Kenneth Ray is requesting a Private Accessway Permit to construct a driveway in the Thompson Rd paper street right-of-way for access to one lot located to the rear of 1151 Shore Rd, Sec. 19-7-9, Private Accessway Completeness.

Mr. Kennealy made a request to recuse himself from this application. He had a casual, but in hindsight inappropriate, conversation with the developer

regarding the project. In order to avoid the appearance of impropriety, he will recuse himself from participating in the review of the project.

Rick Licht, of Stantech, formerly known as Land Use Consultants, presented an overview of the project on behalf of applicant Kenneth Ray. The proposed lots are part of a subdivision recorded in 1917 that included a 25' wide right-of-way for Thompson Rd. The applicant owns a front lot of approximately 2+ acres that is the subject of the application and a rear lot, of approximately 1+ acres, which is not part of the application. The front lot will be used to create 2 lots, with access to one lot via a private accessway, for which a Planning Board permit is sought.

The private accessway is proposed to have a 30' wide right-of-way with a 270' long driveway, as well as underground electric, public water and private septic systems. Wetland mapping has identified pockets of RP2 wetlands, but less wetland than shown on the Town Zoning Map. There are existing accessory buildings located on the Thompson Rd paper street which are proposed to be relocated by the abutting lot owners. The new lot is wooded and the building envelope would be cleared for new home construction. Approximately 4200 sq. ft. of impervious surface would be created. Storm water from the development will be collected and directed to the rear of the site and dispersed using a level lip spreader. A mix of fencing and landscaping is proposed to provide a buffer to the Beach Bluff Terrace abutters.

Mr. Hatem asked who would remove the structures in Thompson Rd. Mr. Licht responded that the applicant does not want the liability involved in moving the structures, but would support having the abutters work out an arrangement with the contractor for the project.

Mr. Licht stated that the Town Engineer had some comments. The comments require minor revisions that the applicant is willing to make. Specifically, the applicant will be identifying the vegetation to be removed to achieve sight distance and changes to the stone lined trench proposed at the intersection of Shore Rd and Thompson Rd.

Mr. Licht noted the question regarding the size of the building envelope for lot 2. The applicant will reduce the building envelope size but would also like to create a building envelope large enough to leave the option to construct a barn in the future.

Mr. Hatem asked the Board members if they had any questions regarding completeness.

Mr. Collins inquired about the site distance and if Mr. Licht's firm had a Traffic Engineer on staff. Mr. Licht said that a Traffic Engineer had reviewed the

submitted plan. He felt the application was complete, and that the applicant would add information to the plan regarding vegetation to be removed.

Mr. Collins asked if the wetland delineation included a report. Mr. Licht said that Al Frick had delineated the wetlands and that the applicant could request that he prepare a report. Mr. Collins said he would like to see a report.

Mr. Godfrey made the following motion, seconded by Mrs. Richardson:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Kenneth Ray for a Private Accessway Permit to create one lot located behind 1151 Shore Rd, with access on the paper street recorded as Thompson Rd, be deemed complete.

The motion was approved 4-0 (Kennealy abstaining).

Mr. Hatem asked if another site walk was needed. The consensus of the Board was that another site walk should be scheduled, specifically to look at the staked right-of-way, building envelope, barn site and sight distance. A site walk was scheduled for Saturday, April 28th, beginning at 8:00 a.m.

Mr. Godfrey asked if access to the barn was within the use allowed for a Private Accessway. Ms. O'Meara responded that the barn would be accessory to the single family use and access to the barn from the private accessway would be allowed.

Mrs. Richardson asked if the barn would require Planning Board approval. Ms. O'Meara responded that no Planning Board approval would be required as long as the barn was located within the building envelope.

The following motion was made by Mr. Godfrey and seconded by Mrs. Richardson:

BE IT FURTHER ORDERED that the above application be tabled to the regular May 15, 2007 meeting of the Planning Board, at which time a public hearing will be held.

The motion was approved by a vote of 4-0 (Kennealy abstaining).

Bothel Subdivision - Stephen and Patricia Bothel are requesting Minor Subdivision Review of a proposed 5-lot subdivision located at 90-98 Ocean House Rd, Sec. 16-2-3, Minor Subdivision Completeness.

John Mitchell, of Mitchell and Associates, representing the applicants, presented the project. The property is approximately 15 acres, with RA and RB Zoning. A

wetland delineation of the site, done by Dale Brewer of State Survey, revealed RP1 wetlands on the southern end of the site and small pockets of RP2 wetlands and an intermittent stream. The portion of the site fronting on Ocean House Rd includes 2 single family homes and a commercial business.

The goal of the applicants is to create individual lots for the existing structures. Because the site is located in the RB Zone, they are also required to prepare a conceptual plan for buildout of the remaining portion of the site, although there are no plans to develop that land at this time. The conceptual plan includes creation of a 50' wide right-of-way to access the Phase II land, where 5 lots are proposed. To comply with the RB Open Space Zoning, Phase I will include 40% open space, of which 77% is usable land. There will be an easement on the open space for a guy wire for the wind tower. The applicants are requesting waivers from submitting a storm water management plan, as no new impervious surface is proposed, and increasing the scale of the plan from 1" =40" to 1"=50'.

Referencing the staff memo checklist, Mr. Mitchell noted that no road name was proposed at this time, but would be if Phase II was brought before the Board for approval. No financial capability information was submitted because no physical improvements are proposed. The open space deed will be submitted for next month's meeting.

Mr. Collins asked if the right-of-way deed will be submitted as well. Mr. Mitchell agreed to provide the deed.

Mr. Collins questioned provision of lot line computation sheets and some possible errors in computation. Mr. Mitchell said the survey was done before he was involved with the project, but that a plan stamped by a registered surveyor would be provided for Planning Board signature. Mr. Collins also questioned a reference to pole 94.2, which could not be found on the plans. Mr. Mitchell said he would check that.

Mr. Kennealy made the following motion, seconded by Mrs. Richardson:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Stephen and Patricia Bothel for Minor Subdivision Review of a 5 lot subdivision located at 90 and 98 Ocean House Rd be deemed complete.

The motion was approved by a vote of 5-0.

Mr. Hatem then noted that he saw no need for a site walk. Board members agreed that a site walk was not needed.

Mr. Godfrey made the following motion, seconded by Mr. Collins:

BE IT FURTHER ORDERED that the above application be tabled to the regular May 15, 2007 meeting of the Planning Board, at which time a public hearing will be held.

The motion was approved by a vote of 5-0.

Mr. Kennealy made a motion to adjourn, which was adopted by a vote of 5-0.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Maureen O'Meara, Acting Planning Board Secretary