

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

June 19, 2007

7:00 p.m. Town Hall

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

Scott Collins  
Peter Hatem  
Jack Kennealy

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order and called for comments or corrections of the minutes of May 15, 2007. Mr. Kennealy made a motion to accept the minutes and Mr. Huebener seconded. The minutes were approved without amendment 7-0.

OLD BUSINESS

Maskewitz/McMullin Resource Protection Permit - Dianne Maskewitz and Scott McMullin are requesting a Resource Protection Permit for 4,191 sq. ft. of previously filled wetland and pond for landscaping located at 221 Fickett Street, Sec. 19-8-3, Resource Protection Completeness Request to be Tabled to August, 2007.

Mr. Kennealy made the following motion, seconded by Mr. Hatem:

BE IT ORDERED that, based on the request of the applicant, the application of Dianne Maskewitz and Scott McMullin for an after the fact Resource Protection Permit to fill 4,191 sq. ft. of wetland and pond for landscaping, located at 221 Fickett Street, be tabled to the regular August 21, 2007 meeting of the Planning Board, at which time a public hearing will be held.

There was no discussion and the motion passed, 7-0.

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 Review Request to be Tabled to July 2007

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

BE IT ORDERED that, based on the request of the applicant, 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 tabled to the regular July 17, 2007 meeting of the Planning Board, at which time a public hearing will be held.

The motion was approved 7-0.

#### NEW BUSINESS

**Cross Hill Lot 1 Amendment-** Juan Perez-Febles is requesting an amendment to the previously approved Cross Hill Subdivision to divide Lot 1, located at 53 Wells Rd, into 2 lots where the new lot will have access on Cross Hill Road, Sec. 16-2-5, Subdivision Amendments.

Richard Bryant, Attorney for Juan Perez spoke on behalf of his client. He outlined the project and noted that the driveway cut and utility stubs are already present. He also noted that Mr. Perez' lot was not included in the restriction against further division of the lots in Cross Hill. He illustrated how the lot will conform to the open space requirement by dedicating land for open space. He had a draft of a deed to the Town for the open space. There was a letter from the Town's attorney, Michael Hill, Esq. which commented on the proposed deed and suggested some changes.

No one on the Board had any questions about completeness of the application. The board did not feel a site walk or public hearing would be needed.

A brief discussion of the deed ensued, and it was agreed that the approval could be conditional on the deed being acceptable to the Town's attorney.

Mr. Godfrey made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Juan Perez-Febles for an amendment to the Cross Hill Subdivision to divide lot 1, located at 53 Wells Rd, into 2 lots, be approved subject to the following conditions:

1. That a deed for the conservation land be submitted in a form acceptable to the Town Attorney and signed by the applicant.
2. That the deed be modified based on the Town Attorney's letter dated June 19, 2007.

Mr. Kennealy seconded the motion. It was approved 7-0.

Inn by the Sea Site Plan Amendments - The Inn by the Sea LLC is requesting an amendment to the previously approved site plan for an

expansion that will add 15 guest rooms, parking, a utility shed, landscaping and miscellaneous renovations to the Inn by the Sea, located at 40 Bowery Beach, Sec. 19-9, Site Plan Completeness.

Mr. Scott Teas, principal at TFH Architects in Portland outlined the proposed project. The proposal is to add fifteen rooms to the Inn, and a new addition containing meeting rooms, several administrative offices and a spa on the lower level. They also want to enlarge the existing porte-cochere, modify the entrance and increase the number of parking spaces by eliminating the tennis courts. The proposal also includes the removal of a shed which now holds refuse and recycling. It would be replaced by a new structure which will also house equipment. Mr. Teas told of plans to do extensive landscaping changes.

Mr. Steve Bradstreet with Edwards and Kelsey spoke next about the site engineering. He outlined the site changes in traffic flow, parking and landscaping. He made note of the fact that the square footage of the meeting rooms has no changes, and so no additional parking will be required for that part of the project. The site is served by public water and septic. He spoke about the proposed street trees, and how they will not interfere with the sight distance at the road. He outlined how the plan has been modified in response to the suggestions from the Town Engineer, Fire Chief, and Town Planner.

Mrs. Schenkel then called upon the Board to make a decision on completeness before getting into further questions.

Mr. Huebener questioned whether the application was complete without all the materials requested by the Town Staff.

Mr. Hatem noted that there is no reason to believe that this applicant won't come forth with the materials as requested. It is at the applicant's risk if the plan is not fully complete at the public hearing, because it won't be approved if it isn't ready.

Mr. Kennealy questioned what effect the letter from Mark Cenci Geologic, Inc. has on the process.

Ms. O'Meara replied that it is the Board's decision on what to do in regards that letter. The letter deals with prior approvals from the Board, and it is up to this Board to decide how this impacts the project.

Mr. Kennealy then asked Mr. Bradstreet if he would respond to this letter.

Mr. Bradstreet said he will not respond himself, but a subcontractor will be responding to the issues raised in the letter. And the response will be included in the next submittal.

Mrs. Richardson had a question about the sign.

Mr. Bradstreet replied that the plan is not labeled for the sign, but showed where it will be located. The sign itself is not yet designed because there may be a change of the logo.

Mrs. Schenkel wanted to know the sight distances after the re-landscaping is finished.

Mr. Bradstreet said they haven't been measured, but he knows that to the left is at least 1000 feet, and to the right he's sure it's over 600 feet. When you are in your car your eyes are at a level of 31/2 feet off the ground. The trees will be pruned to 6 feet off the ground, so they will not interfere with sight distances.

Mr. Kennealy asked if there are any plans for off-site parking.

Mr. Teas responded that there is presently an agreement with St. Bartholemew's Church that runs through October. There are discussions to renew and extend that agreement.

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 Inn by the Sea LLC to add 15 guest rooms, parking, a utility shed, landscaping and miscellaneous renovations to the Inn by the Sea located at 40 Bowery Beach Rd be deemed complete.

The motion was seconded by Mr. Godfrey, and approved 7-0.

A site walk was agreed upon and scheduled for June 28 at 5:00 p.m.

Mr. Godfrey asked for more detail about the second accessway and clearance for the porte-cochere.

Mr. Teas replied that the information would be provided by the next meeting.

Mrs. Schenkel asked whether there were going to be changes in the septic system to accommodate more rooms.

Mr. Bradstreet replied that the septic system will not change. Based on a letter from Albert Frick, there is enough capacity to handle the proposed changes.

Mrs. Schenkel would like to see a sample of the concrete to be used on the exterior.

Mr. Teas had a sample with him and sent it around for the Board to examine.

Mr. Godfrey made the following motion:

BE IT FURTHER ORDERED that the above application be tabled to the regular July 17, 2007 meeting of the Planning Board, at which time a public hearing will be held.

Mrs. Richardson seconded the motion and it was approved 7-0.

Mrs. Richardson moved to adjourn, and Mr. Hatem seconded. Approved 7-0.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,  
Hiromi Dolliver