

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

August 5, 2008

7:00 p.m. Town Hall

Present: Peter Hatem, Acting Chair
Scott Collins
James Huebener
Beth Richardson

Absent: Thomas Dolan, Elaine Falender and Barbara Schenkel

Also present was Maureen O'Meara, Town Planner.

Mr. Hatem called the meeting to order and called for discussion or corrections of the minutes of July 15, 2008. Mrs. Richardson moved to accept the minutes, and Mr. Huebener seconded. The minutes were approved without amendment, 4-0.

NEW BUSINESS

Spurwink Woods/Cottage Brook Subdivision Amendment - Spurwink Woods LLC is requesting an amendment to the previously approved Spurwink Woods Subdivision, a 42-lot/unit subdivision located in the vicinity of Dermot Drive and Killdeer Rd, to amend the phasing plan, Sec. 16-2-5, Subdivision Amendments.

John Mitchell, of Mitchell and Associates, presented the project to the Board on behalf of Spurwink Woods, LLC. He said the subdivision had received approval in June of 2006. It has been in litigation since that time, and that has now been decided and all the appeals have been decided in favor of the project. The entire project is 42 units, consisting of 23 single family homes and 19 condominium units. The plan was approved to be built in two phases.

The current proposal is to divide the original Phase I into two phases, Phase IA and IB. The developer would like to begin construction of Phase IA now and defer the start of IB until some time later. IA will contain four lots, (1 thru 4). The developer will convey the open space in that area to the Town along with 180 ft of South Street.

Other than the phasing, nothing has changed from the approved plan.

The Board agreed that there is sufficient information to consider the request.

Ms. O'Meara stated that the only Department Head from the Town who requested further information was the Fire Chief. Ms. O'Meara took him to the site, and he was satisfied that there were no problems for him.

Mr. Hatem opened the public hearing.

Susan Gilbert-Hirshon of 2 Dermot Drive asked how wide Stephenson Street is. She stated that it is 20 ft. wide. She says it is supposed to be 22 ft. wide. There is a lot of traffic on such a small street, and that is not safe. She also says the project has been very upsetting to all the people on the street.

Ms. Gilbert-Hirshon said there has been too much delay which is adverse to the value of our homes. She wants no more delay. She sees a very crowded condition on Stephenson Street. She wants to know if the recommended traffic improvements have been done.

Mr. Hatem noted that everything is the same as was approved two years ago and has been litigated.

Penny Olsen of 33 Thrasher Road had a question about the notice mailed to abutters. She would like to have a brief description of what is being proposed. She would like a brief synopsis of the proposal to be included on the notice.

Kate Kuhrt of 6 Hamlin Street inquired about the open space. She wants to know if the open space will be deeded to the Town with this Phase, so people can begin to enjoy the trails.

Archna Prasad-Gaur of 3 Dermot Drive stated that she had just moved to Cape Elizabeth in 2006. She feels there are so many issues with this project. She wonders what this will do to her property value.

She also is worried about the safety of her 2 kids. There is no playground for the kids to play on, so they play in the driveway and she is worried about their safety if there is a lot of traffic. She wants to relieve some of the traffic on Stephenson, Hamlin and Dermot Streets. She wants South Street made a public Street.

She also complains about kids coming down the dead end street and playing loud music. She'd like more consideration of the people already living in the neighborhood.

There were no further comments, so the public hearing was closed.

Mr. John Mitchell addressed the problem of traffic. He said that all the traffic conditions contained in the original approval are still in effect for this phase. The open space is not posted, not private and is open to the public. Even if an open space parcel is not yet conveyed to the Town, it is available for use by the public now.

Mrs. Richardson asked if all the original conditions of approval still apply.

Ms. O'Meara replied that they do still apply. She also stated that Stephenson Street was built to Town standards.

Mr. Mitchell stated that all the conditions that must be met before construction is started have been done.

Mr. Collins asked if there is a time limit on when Phase II needs to start. Could it be 5 more years before Phase IB is started?

Ms. O'Meara said yes it can be that long. There is no limit by the Town on when the project is built, only a deadline to record the approved plan in the Registry of Deeds, and that has been done in a timely manner.

There was a question about when the traffic improvements required in the original approval (condition 6) will be done.

Mr. Mitchell said the 3-way stop sign is already in place.

Regarding the monitoring to be done 12 months after the completion of Phase I, it was agreed that it will wait until both Phase IA and IB are completed.

The open space will be conveyed to the Town as the phases are built, but all of the open space is still available for public use even before it is Town owned. If the phases are approved, the stormwater conveyance for all of Phase I, both A and B, will be done with Phase IA.

Mrs. Richardson made the following motion:

Findings of Fact

1. Spurwink Woods LLC is requesting an amendment to the previously approved Spurwink Woods Subdivision, now renamed Cottage Brook, a 42 lot/unit subdivision located between Dermot Drive and Killdeer Rd, to separate Phase I into Phase IA and IB, which requires review under Sec. 16-2-5, Subdivision Amendments.
2. The Planning Board incorporates by reference all of the findings of fact made when the original subdivision was approved on June 20, 2006.
3. The amendment substantially complies with Sec. 16-2-5, Subdivision Amendments, Sec. 16-3-1, Subdivision Standards and Sec. 19-8-3, Resource Protection Permit Standards.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Spurwink Woods LLC for an amendment to the previously approved Spurwink Woods Subdivision, now renamed Cottage Brook, a 42 lot/unit subdivision located between Dermot Drive and Killdeer Rd, to separate Phase I into Phase IA and IB be approved subject to the following condition:

1. That all of the conditions on the original approval remain part of the Planning Board approval.

Mr. Huebener seconded the motion. There was no further discussion and the motion was approved, 4-0.

Mrs. Richardson moved to adjourn, seconded by Mr. Huebener and approved 4-0.

The meeting was adjourned at 7:35pm.

Respectfully submitted,

Hiromi Dolliver