

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

December 16, 2008

7:00 p.m. Town Hall

Present: Barbara Schenkel, Chair
Scott Collins
Thomas Dolan
Peter Hatem

James Huebener
Beth Richardson

Absent: Elaine Falender

Also present was Maureen O'Meara, Town Planner.

Mrs. Schenkel called the meeting to order and called for discussion or corrections of the minutes of November 18, 2008. Mr. Huebener moved to accept the minutes, and Mrs. Richardson seconded. The minutes were approved without amendment, 6-0.

NEW BUSINESS

Creteau Private Accessway Permit - Jeannette Creteau is requesting a Private Accessway Permit for a vacant lot located at 112 Delano Park (U7-12), Sec. 19-7-9, Private Accessway Permit Completeness.

Mrs. Schenkel announced that she was going to take up the Creteau Private Accessway Permit next because the applicant has requested a postponement of the matter until January 20, 2009. She wanted to bring up the matter at this time in case anyone in the audience was waiting for this item to be addressed.

Mrs. Richardson moved to postpone to the January 20, 2009 meeting. Mr. Dolan seconded the motion and it was approved, 6-0.

OLD BUSINESS

Cox Farm Stand Site Plan - Jay Cox is requesting Site Plan Review to construct a farm stand located at 1148 Sawyer Rd, Sec. 19-9, Site Plan Public Hearing.

Jay Cox of 1148 Sawyer Road spoke about his project. He said there have been no changes made since the last Planning Board Meeting, November 18, 2008. He reviewed the project briefly. He has been raising Christmas trees since 2003 for a pick your own, or choose and cut operation. The trees will be ready either next year or the year after that. He wants to have a place to sell them and maybe have a farm stand too.

Mr. Cox showed the plans of his property as it is and how the new addition will be sited. He noted all the buffering that already exists around his property. The

parking will be in an existing field on turf. There will be 13 parking spaces as required by the ordinance, and they will be delineated by log curbing. There will be a new curb cut on Sawyer Road to accommodate the new access to the parking area. He responded to a question about lighting from the Board at the last meeting and said he was not planning any other lighting than what he originally proposed. If he needs more lighting, he will come back to the board at some future time to request it.

The sign will be moved back from the road right of way as required by the ordinance, but that change is not yet reflected on the plan.

Mr. Cox also showed the drawings of the proposed building addition that will house his farm stand.

Mrs. Schenkel then opened the public hearing.

Beth Angle of 3 Young Lane lives right across the road from the proposed farm stand and said they like to buy locally. She is here on behalf of the Cape Farm Alliance and is in favor of having this opportunity to buy so close to her home.

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

There were no questions from the Board.

Mr. Hatem made the following motion:

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jay Cox to construct a farm stand to support his choose and cut Christmas Tree business and related agricultural operations, located at 1148 Sawyer Rd, be approved, subject to the following condition:

1. That erosion control measures during construction be installed at the direction of the Code Enforcement Officer.

Mr. Huebener seconded the motion.

Mrs. Schenkel requested that a further condition be added concerning the sign.

Mr. Hatem amended his motion to include the following condition:

2. That the sign be moved out of the right of way and completely installed on the owner's property.

Mr. Richardson seconded and the motion was passed, 6-0.

NEW BUSINESS

Pipken Private Accessway Permit - Allen Pipken is requesting a Private Accessway Permit to create a second lot located at 22 Eastman Rd (U27-4), Sec. 19-7-9, Private Accessway Permit Completeness.

Surveyor Jim Nadeau presented the project on behalf of the applicant. He showed a survey plan of the existing lot and the proposed lot to be created. He said the land slopes to the back of the lot. He showed that there is an RP-2 wetland adjoining the property. He said they have located the proposed right of way to the east in order to keep it away from the wetland.

Mrs. Schenkel asked about several of the points raised in the letter from Stephen Harding, Town Engineer. She asked about the culverts and the sight distances.

Mr. Nadeau responded that the culverts will be show on the plan, but are not yet on the plans. He also stated that he will remove the "more or less" from the sight distances noted on the plan.

As for the surface drainage, Mr. Nadeau said he thinks it naturally flows to the wetlands, not onto the road.

Jim Logan, soil scientist with Al Frick Associates, spoke up and said he agrees with that assessment of the flow of the surface water. He said he had consulted with the DEP and has a field determination that there is no stream in the wetlands.

Ms. O'Meara asked if there were any requests for information in Mr. Harding's letter that Mr. Nadeau was not willing to address with a new submission of information. Mr. Nadeau said he could provide the information.

There were no further questions from the Board.

Mr. Hatem made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Allen Pipkin for a private accessway for a new lot located at 22 Eastman Rd be deemed complete.

Mr. Dolan seconded the motion and it was approved 6-0.

Mr. Hatem then made the following motion:

BE IT FURTHER ORDERED that the above application be tabled to the regular January 20, 2009 meeting of the Planning Board, at which time a public hearing will be held.

Mrs. Richardson seconded the motion and it was passed 6-0.

The Board decided that a site walk was not needed, but if individual Board members wished to do so, they can drive by the site at a time of their choosing.

Mr. Dolan made a motion to adjourn. Mrs. Richardson seconded and it was passed 6-0.

The meeting was adjourned at 7:30 pm.

Respectfully submitted,

Hiromi Dolliver