

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

January 20, 2009

7:00 p.m. Town Hall

Present: Peter Hatem, Chair  
Elaine Falender  
Liza Quinn

Beth Richardson  
Barbara Schenkel

Absent: Thomas Dolan, James Huebener

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 December 16, 2008. Mrs. Richardson moved to accept the minutes, and Mr. Hatem seconded. The minutes were approved without amendment, 5-0.

Mrs. Schenkel called for nominations for Board Chair. Mrs. Richardson nominated Mr. Hatem, and Ms. Falender seconded. He was unanimously approved as the new Chair.

Mr. Hatem then nominated Mrs. Richardson as Vice-Chair, and Ms. Falender seconded. Mrs. Richardson was unanimously approved as Vice Chair.

Mr. Hatem then thanked Mrs. Schenkel for her service to the Board as Chair and for her continuing service on the Planning Board.

NEW BUSINESS

**Cottage Brook Amended Subdivision Plan** - Spurwink Woods LLC is requesting an amendment to the previously approved Spurwink Woods Subdivision to adjust the Chicory Way right-of-way line, located adjacent to Killdeer Rd, Sec. 16-2-5, Amendment to a Previously Approved Subdivision.

Betsy Melrose of Mitchell and Associates presented the proposal to the Board. She said that Cottage Brook is a 25 acre subdivision approved in 2006. There are 23 single family dwellings and 19 condo units in the approved subdivision. Open space is included in the plan and phasing of the project was approved in July 2008.

The current proposal is to amend the right of way for Chicory Way. The existing building on lot 11 is within 20' of the right of way and they need to bring that into compliance with the setback regulations. The amendment shifts the right-of-way approximately 5'. There will need to be an easement on Lot 11 for the sidewalk, which the applicant is providing.

Ms. Falender asked about a letter from Richard Bryant that questions why the driveway is not shown on the plan.

Ms. Melrose noted that it was always part of the plan to have the driveway access from Chicory Way.

Ms. Falender asked again why that is not shown on the plan.

Ms. O'Meara noted that it is not typical to show any of the driveways on subdivision plans.

Since there were no other questions from the board, Mrs. Schenkel made a motion that the Board consider the plan to be complete.

Ms. Falender seconded and the motion was approved 5-0.

The Board agreed that a site walk was not needed.

Mrs. Richardson made the following motion:

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Spurwink Woods LLC to amend the previously approved Spurwink Woods, now called Cottage Brook, Subdivision located off Spurwink Ave and Killdeer Rd, and the Mitchell Highlands Subdivision, located on Columbus, Killdeer and Thrasher Rds, to shift the right-of-way for Chicory Way, where it intersects Killdeer Rd, approximately 5' to the south to cure a setback encroachment for the lot fronting on Killdeer Rd and amend lot 46 of the Mitchell Highlands Subdivision, be approved, subject to the following conditions:

1. That the sidewalk easement be approved in form by the Town Attorney and the Town Manager and signed by the applicant;
2. That the above condition be met prior to recording the subdivision plat.

Mrs. Schenkel seconded the motion and it was approved 5-0.

**Eastman Meadows Final Subdivision Review** - Wyley Enterprises, LLC is requesting Final Subdivision Review and a Resource Protection Permit for Eastman Meadows, a 46-unit condominium project plus 1 single family lot located at 68 Eastman Rd, Sec. 16-2-4, Major Subdivision Review Completeness, and Sec. 19-8-3, Resource Protection Permit.

Owens McCullough of Sebago Technics presented the proposal to the Board. He said they have last been before the Board on August 19, 2008. They now have their DEP permit. The peer review has occurred and tonight is a review for completeness. Next month, they would like to return for a public hearing and final approval.

Mr. McCullough noted that they have shifted the road away from the Mary Brock property and intensified the plantings there as a greater buffer for her.

They have received the condo documents. He also talked about sidewalk access, and that they do not want any bikes on the sidewalks through the condo, but they are permitted on the Town open space.

He addressed the subject of the water service. The first submission was in error. The water flow is really 1085 gal/minute.

The Sewer Service Area had been approved in May 2008.

Regarding the parking area requested by the Conservation Commission, Mr. Fitzpatrick will meet with members of the Conservation Commission on February 10 to see about that.

Mrs. Schenkel asked about the rock ledge and was informed that it is in the open space.

Ms. Falender asked about bike access and whether there is a way to get to the open space by bicycle.

Ms O'Meara noted that the Conservation Commission has expressed concerns with bikes damaging the trails making ruts and holes. There are other ways to access the open space by bicycle.

Mrs. Richardson made a motion that we find the application of Wyley Enterprises, LLC complete.

Ms. Falender seconded and it was approved 5-0.

The Board discussed holding another site walk and decided that a second site walk was not needed and would be difficult with the current snow cover.

Mrs. Schenkel made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Wyley Enterprises LLC for Major Subdivision Review, a Private Road Review and a Resource Protection Permit for Eastman Meadows, a 46 unit condominium with clubhouse and 1 single family lot, located at 68 Eastman Rd be tabled to the regular February 23, 2009 meeting of the Planning Board, at which time a public hearing will be held.

Ms. Falender seconded the motion and it was approved 5-0.

Mrs. Richardson moved to adjourn, seconded by Ms. Falender and the Board voted 5-0 to adjourn at 7:35 pm.

Respectfully submitted,

Hiroshi Dolliver

Planning Board Minutes Secretary