

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

May 19, 2009

7:00 p.m. Town Hall

Present: Peter Hatem, Chair  
Elaine Falender  
James Huebener

Beth Richardson  
Barbara Schenkel  
Liza Quinn

Absent: Thomas Dolan

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 April 27, 2009. Mrs. Schenkel made a motion to accept the minutes and was seconded by Mrs. Richardson. The minutes were accepted 5-0. (Mr. Huebener abstained).

**Kerzner Private Accessway Permit** - Joan and Arnold Kerzner are requesting a Private Accessway Permit to create street frontage for an existing lot located at 10 Dean Way (U18-26), Sec. 19-7-9, Private Accessway Permit Completeness.

Jim Fisher, of Northeast Civil Solutions, introduced the project. He said it is a small project at the end of Dean Way. Dean Way ends in a cul-de-sac. The entire parcel consists of three separately described lots. The applicants want to create another lot, but there is not enough frontage on the cul-de-sac to meet the ordinance. They want to create a 60 ft. right of way that is 30 ft. wide. The lot will be served by public water, but not by public sewer. There is an approved septic plan on file.

Mr. Fisher addressed the items outlined in the letter from the Town Engineer dated May 12, 2009.

He said the utilities will be placed underground, not overhead. He noted that no easement would be required for the proposed contours. He also stated that the post construction drainage will not create an erosion problem.

Mr. Fisher asserts that the turnaround as designed will accommodate the largest fire truck in the Town. The moveable shed will either be removed or relocated to comply with setback requirements. He also stated that the maintenance agreement has been drawn up and will be maintained by the then owner.

The Board then began their discussion of the proposal.

Mr. Hatem asked why this does not require a subdivision amendment since one of the parcels is a lot in a subdivision.

Ms. O'Meara responded that there is no proposed alteration to the subdivision lot. The original lot has not changed. An easement does not trigger a subdivision amendment.

Ms. Quinn asked about whether a finding of completeness means the Board finds the presentation to be adequate. She was specifically concerned about the turnaround for the fire trucks.

Ms. O'Meara replied that complete may not be adequate. For example, the Fire Chief and Town Engineer have noted that the turnaround is not adequate for our fire truck.

Mrs. Schenkel said she thinks this is complete, but she wants a site walk. She feels there is still a lot of work to be done. She would like the Fire Chief to be at the site walk.

Ms. O'Meara noted that we can invite the Fire Chief to the site walk.

Mrs. Richardson made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Joan and Arnold Kerzner for a Private Accessway Permit to create road frontage for an existing lot, located at 10 Dean Way, be deemed complete.

Ms. Falender seconded and the motion passed, 6-0.

A discussion of the site walk was held, and the Board agreed that a site walk was needed. The Board would like to have the Fire Chief attend the site walk. A site walk was scheduled for May 28, 2009 at 5:30 pm.

Mrs. Richardson made the following motion:

BE IT FURTHER ORDERED that the above application be tabled to the regular June 16, 2009 Planning Board meeting, at which time a public hearing shall be held.

Mr. Huebener seconded and the motion was approved 6-0.

Mrs. Richardson moved to adjourn and was seconded by Mr. Huebener. The meeting was adjourned at 7:30 pm.

Respectfully submitted,

