

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

June 16, 2009

7:00 p.m. Town Hall

Present: Peter Hatem, Chair  
Elaine Falender  
Liza Quinn  
James Huebener

Beth Richardson  
Barbara Schenkel  
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 May 19, 2009. Mrs. Schenkel moved to accept the minutes without correction. Mrs. Richardson seconded and the motion carried, 7-0.

CONSENT AGENDA

**Pipken Private Accessway Extension** - Allen Pipken is requesting that the Private Accessway Approval to create frontage for a new lot located at 22 Eastman Rd be extended for 90 days, Sec. 19-7-9, Private Accessway Permit.

Alan Pipken requested that the Board give him an extension of 90 days so the deeds could be finished.

The Board had no discussion of the request.

Mrs. Schenkel made the following motion:

BE IT ORDERED that, based on the request submitted and the facts presented, the request of Allen Pipken to extend the Private Accessway approval for a new lot to be located at 22 Eastman Rd be approved, with an extension to September 14, 2009.

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

OLD BUSINESS

**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 Public Hearing.

Jim Fisher, of Northeast Civil Solutions, spoke on behalf of the applicant. He said they were requesting final approval of the project.

He addressed the points that were contained in a letter from the Town Engineer dated June 9, 2009. He said the utilities have been moved and will go around the cul-de-sac instead of underneath it.

The drainage calculations have been validated, and are no longer an issue.

He said the template of the turnaround that he has provided has been cleared as being adequate to turn the fire truck. A note will be added to the plan that the area around the turnaround shall be kept clear of trees and obstacles.

A note has been added to the plan that will require the removal of the existing shed.

He said no easement is needed for the grading and vegetation removal because the parcels are still in the ownership of one party. He said there is no need to give oneself an easement.

Mr. Hatem opened the public hearing. Since no one came forth to speak, the public hearing was closed.

Ms. Falender noted that there is no letter from the Fire Chief.

Ms. O'Meara said there is nothing in writing, but he has verbally told her that he is satisfied. She said the Board can make it a condition of approval if they choose to do so.

Ms. Quinn asked Ms. O'Meara if the new plans are acceptable.

Ms. O'Meara said if the Board approves them tonight they can make the approval subject to review by the Town Engineer.

Mrs. Schenkel said that since we have questions about the fire turnaround she would like to see a requirement that the fire chief approve it in a letter.

Mr. Dolan made the following motion:

#### Findings of Fact

1. Joan and Arnold Kerzner are requesting a Private Accessway Permit to create road frontage for an existing lot located at the end of Dean Way, which requires review under Sec. 19-7-9, Private Accessways.
2. The applicant has submitted a maintenance agreement and an easement for the driveway of lot 3 to cross over lot 2.
3. The Town Engineer has recommended minor adjustments to the plans.
4. The application substantially complies with Sec. 19-7-9, Private Accessways.

THEREFORE, 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 the end of Dean Way, be approved subject to the following conditions:

1. That the plans be reviewed by the Town Engineer to ensure compliance with the Town Engineer's letter dated June 9, 2009.
2. That the maintenance agreement and easement be submitted in a form acceptable to the Town Attorney and signed by the applicants.
3. That the Town Fire Chief submit a letter indicating that the Fire Department has reviewed and approved the revised plans.
4. That there be no issuance of a building permit, nor alteration of the site, nor recording of the plat until the plans have been revised per the above conditions.

Ms. Quinn seconded the motion and it passed 7-0.

Mrs. Richardson moved to adjourn and was seconded by Mr. Dolan. By a vote of 7-0 the meeting was adjourned at 7:15 pm.

Respectfully submitted,

Hiroshi Dolliver