

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

July 19, 2011

7:00 p.m. Town Hall

Present: Elaine Falender, Chair
Liza Quinn
Henry Steinberg
Victoria Volent
Carol Anne Jordan
Richard Olfene
Josef Chalal

Also present was Maureen O'Meara, Town Planner.

After a slight change, the minutes of May 17, 2011 were approved 6-0.
(1 abstain)

NEW BUSINESS

Stonegate Subdivision Amendment - Early Bird Group is requesting an amendment to the Stonegate Subdivision to add a lot located on Stonegate Rd (U31-9E), Sec. 16-2-5, Amendments to Previously Approved Subdivisions.

Rick Licht, of Licht Environmental Design, and Rusty Pillsbury, the applicant, were there on behalf of the project. Mr. Licht introduced the project and said it was a subdivision originally approved in 1986 for 50 lots and amended in 1992 for another 16 lots.

The right of way for Stonegate Road is 140 ft. wide at the place where this lot is situated. This is not the usual width for a road, and the rest of Stonegate's rights of way are 50 ft. wide. The homeowner's association has the right to maintain the stone walls and landscaping in this right of way. The purpose of this application is to annex this lot into the Stonegate Subdivision, and become subject to the Stonegate Homeowner's Association.

The normal setbacks for this lot would be 20 ft. on all sides, however the Stonegate Association requires 40 ft. in the front and 25 ft. on the sides and rear.

There are many trees on the lot, and instead of adding buffering they plan to remove some of the trees and thin out some of the vegetation. The lot will be serviced by water and sewer and electric. The access across the wide section of Stonegate Road is not a problem. They do not need an easement to access Stonegate Road since this is all part of the right of way. The applicant has agreed with the Homeowner's Association to

provide plantings in the right of way near Mitchell Road. The driveway will be shown to be 20 ft. wide, but the paved part will not be the entire 20 ft.

Mr. Licht then addressed the comments of Mr. Malley, and the Town Manager and then the AMEC letter of July 12, 2011. Each of the items were addressed and the applicant will comply with all of the items. He also addressed the memo from Ms. O'Meara, the Town Planner dated July 19, 2011. He addressed the approval of the Stonegate Homeowners Association by reading an email from Robert Stier supporting the amendment to the Association. And there were letters from the abutters and the president of the Homeowners Association supporting the application. The other items in the memo were agreed to and will be complied with.

The building envelope was the next topic of discussion. Mr. Licht questioned whether they could have lawn outside the building envelope.

Ms. O'Meara said they could continue to maintain the existing lawn area, but the concern is any removal of mature vegetation. Trees and shrubs would need to be left as buffer outside the building envelope.

Mr. Licht was concerned with the existing vegetation. He said it is overgrown and they would like to have it thinned out.

Ms. O'Meara said it is up to the Board to decide, but the problem is that a buffer needs to be maintained and in the past many property owners have gone in and removed too much buffer while "thinning out".

Mr. Pillsbury then showed the Board where there is vegetation that will be saved and vegetation that he would remove.

Ms. Falender noted that at this point there would normally be a public comment period. Since there were no members of the public present, she said they would open up the discussion to the Board.

Ms. Quinn said she had visited the property and she was more concerned about the establishment of a buffer than the removal of vegetation. She wants trees planted in front of the house and between the house and Mitchell Road.

Mr. Pillsbury said that he does not want to plant in front of the house because there is a southern exposure and he does not want to lose that feature.

There was an extensive discussion of the trees and plantings proposed and to be removed.

Ms. Falender then noted that she would need a site walk to be able to visualize the lot lines and the right of way. She also noted that the Subdivision Ordinance requires buffering and also requires adequate sunlight.

Mrs. Volent said that she has done a site walk on her own. She also had a question about the buffering and the requirement to buffer between the subdivision and an abutter. She is in favor of a site walk.

Mr. Olfene also recommends a site walk.

Mr. Chalat asked what would happen if an owner wanted to put the house farther back into the lot. He wants to know if some of the buffer needs to be preserved within the building envelope.

Ms. O'Meara said it is possible to re-draw the building envelope if the Board wants to do so. She said it is the purpose of the note on the plan to restrict what is possible outside the building envelope, but inside the building envelope you may site your building anywhere you wish.

Ms. Jordan said she thinks we need to see the property. She is against restricting what a property owner may do on his land.

A site walk was scheduled for Thursday, July 21, 2011 at 5:30 pm. They will meet at the southern entrance to Stonegate.

Ms. Falender wants the recorded plan to contain a reference to the recorded plans and declarations of covenants. She is also concerned about whether adding just one lot to a subdivision might be enough to make the affordable housing requirement come into consideration. She wants to know what lots have been added to the original subdivision and when they were added.

Ms. Falender also said that the Board needs to go through all of the items in the Subdivision Ordinance 16-3-1.

Ms. O'Meara said that she would typically provide the board with that information in a memo. She will provide that for the next meeting.

Mrs. Volent asked for information about financial capacity and performance guarantee to be provided.

Mrs. Volent made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Early Bird Group LLC for an amendment to the Stonegate Subdivision to add a lot located at 10 Stonegate Rd be tabled to the regular August 16, 2011 meeting of the Planning Board, at which time a public hearing will be held.

Ms. Jordan seconded the motion and it was approved, 7-0.

Ms. Quinn is concerned that the open space impact fee is not sufficient and wants the Board to consider updating the formula.

Ms. O'Meara suggests that the fee issue be deferred to a workshop.

The Board unanimously agreed to adjourn at 8:15 pm.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary