

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

January 17, 2012

7:00 p.m. Town Hall

Present:	Elaine Falender, Chair	Liza Quinn
	Josef Chalot	Henry Steinberg
	Peter Curry	Victoria Volent
	Carol Ann Jordan	

Also present was Maureen O'Meara, Town Planner.

Ms. Falender opened the meeting and introduced Peter Curry as the new member of the Board.

The minutes of the November 15, 2011 Planning Board meeting were approved as presented 7-0. The minutes of the December 9, 2011 meeting were also approved without amendment, 7-0. Ms. Volent requested changes to the minutes of the December 20, 2011 meeting. She requested that the Rudy's site plan request reflect the square footages as approved in the final approval. She also pointed out the missing conditions which she had added as a friendly amendment to the motion for approval. Those changes will be reflected in the final version of those minutes. The minutes for the December 20, 2011 meeting were approved as amended, 6-0 (1 abstain).

The election of officers for the current year was the next item. Mr. Steinberg nominated Ms. Falender as Chair. Mr. Chalot seconded, and she was elected unanimously. Ms. Jordan nominated Ms. Volent to serve as Vice-Chair, and was seconded by Ms. Quinn. Ms. Volent was elected as Vice-Chair by a unanimous vote.

OLD BUSINESS

Powers Resource Protection Permit - Colin Powers and Eoin LLC are requesting a Resource Protection Permit to fill 669 sq. ft. of wetland to accommodate construction of a single family home located at Sunrise Drive and Lighthouse Point Rd (U14-36G), Sec. 19-8-3, Resource Protection Permit Request to Table.

Ms. Falender asked of Ms. O'Meara whether there is a limit to the number of times an item can be tabled.

Ms. O'Meara replied that there is nothing in the Ordinance that limits the number of times an item can be tabled. She also said the Board can set a deadline and notify the applicant that they need to either withdraw or move forward.

Ms. Quinn made the following motion:

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of EOIN LLC, with Colin Powers as manager, for a Resource Protection Permit to fill 669 sq. ft. of RP2 wetland to accommodate construction of a new single family home located at 7 Lighthouse Point Rd (U14-36G) be tabled to the February 27, 2012 meeting of the Planning Board.

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

NEW BUSINESS

Teno Rosewood Subdivision Amendment - Joseph Teno and Gail Clinton are requesting an amendment to the Rosewood Subdivision to expand the building envelope for lot 3, located at 3 Rosewood Drive (U34-22-3), Sec. 16-2-5, Amendments to Previously Approved Subdivisions.

Rick Licht, of Licht Environmental Design made the presentation for the applicant, Joseph Teno, who was also present. He began by saying that the address of the property is 6 Rosewood Drive and it is Lot 3 on the Rosewood Subdivision plan. He said they are proposing an amendment to the existing building envelope on the existing lot. He showed a plan of the lot which is .82 acres. When the original subdivision was approved, they had a clearing envelope and a separate building envelope within that clearing.

The applicant is requesting an expansion of the building envelope to accommodate an existing deck, which was added prior to his ownership, and an expansion of the garage. The proposed expansion meets setback requirements, but not the building envelope as shown on the approved plan. This will not affect the clearing area, since no trees will need to be cut. This proposed change is not out of context with the other lots in the subdivision.

Mr. Chalot asked if this requires the approval of the other lot owners in the subdivision.

Mr. Teno said he has a letter of approval from the president of the Homeowners Association.

Ms. Quinn asked if it is up to this Board to fix this problem of the deck is non-conforming.

Ms. O'Meara replied that if this is left alone, it will cloud the title to the lot until it is cured.

Ms. Falender opened the public comment period. Since no one came forward, the public comment period was closed.

Ms. Jordan stated that the proposal still keeps this well within the clearing envelope, and she sees no reason not to approve this item.

Ms. Volent agrees with Ms. Jordan. She requested that note 5 on the plan be changed to include the Book and Page of the plan. She wants them to reference Plan Book 211 Page 333. Also note 3 should correctly cite the easement as being in Book 29105.

Ms. Jordan made the following motion:

Findings of Fact

1. Joseph Teno and Gail Clinton are requesting an amendment to the previously approved Rosewood Subdivision to expand the building envelope for lot 3, which requires review for compliance with Sec. 16-3-1 of the Subdivision Ordinance.
2. The application substantially complies with the standards of the Subdivision Ordinance, Sec. 16-3-1.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application Joseph Teno and Gail Clinton for an amendment to the previously approved Rosewood Subdivision to expand the building envelope for lot 3 be approved.

Ms. Volent seconded the motion and it passed, 7-0.

The Board voted 7-0 to adjourn at 7:30 pm.

Respectfully submitted,

Hiromi Dolliver,
Minutes Secretary