

TOWN OF CAPE ELIZABETH  
MINUTES OF THE PLANNING BOARD

April 25, 2016

7:00 p.m. Town Hall

Present: Peter Curry, Chair  
Josef Chalat  
Carol Anne Jordan  
Elaine Falender

Jonathan Sahrbeck  
Henry Steinberg  
Victoria Volent

Also present was Maureen O'Meara, Town Planner.

Mr. Curry opened the meeting and called for approval of the minutes of the March 15, 2016 meeting. The minutes were approved, 7-0.

CONSENT AGENDA ITEM:

**Inn by the Sea "500 building" replacement Site Plan** – Inn by the Sea LLC is requesting a one year extension of the approval granted June 16, 2015 for replacement of the 12 unit "500 building" located at 40 Bowery Beach Road, Sec. 19-9-(B)(4), Site Plan approval extension.

Eric Dube, CBE, representative of Inn by the Sea LLC, explained the difficulties to start the project because of the short season they can do the work. They are planning a modular construction starting in October 2016.

Mr. Sahrbeck made the following motion

BE IT ORDERED that, based on the request submitted and project previously approved, the Planning Board extends the "500 building" Site Plan approval granted to Inn by the Sea LLC and located at 40 Bowery Beach to June 16, 2017.

Ms. Jordan seconded and it passed 7-0.

OLD BUSINESS:

**Cape Chiropractic & Acupuncture 3-lot minor subdivision and 2 Mixed Use Buildings Site Plan** - Two Penguin Properties LLC are requesting Minor Subdivision Review of a 3-lot subdivision and Site Plan Review of 2 buildings containing 6,205 sq. ft. of medical office space, 10 multi-family residential units and a 357 sq. ft. building connector, located at 12 Hill Way (U22-74), Sec. 16-2-3, Minor Subdivision Public Hearing and Sec. 19-9, Site Plan Public Hearing.

Dr. Zev Myerowitz spoke about their intention to continue their private and professional lives in Cape Elizabeth and continue to be part of the community and contribute to the well being of the people.

Robert Frank from WBRC introduced the project: 3 lot subdivision, mixed use, 6 residential units on upper level and medical unit on first floor in one building, 4 residential units on upper level and medical unit on first floor in the other building. Site walks of the property have been conducted by the Planning Board, town engineer and the town's tree

warden. There are no changes to the utilities information submitted last month. Plantings can be modified to look more like a "front yard" on the Ocean House Rd frontage as shown on the Option 1 and Option 2 planting plans.

Jocelyn Boothe, project architect, summarized how the design of building meets the town center criteria. The buildings have a New England style, with shingle siding, a stone base, sloping and gabled roofs, and double hung windows. The site design includes walkways, fences, and parking and is respectful to town center and adjacent neighborhood.

Ms. Volent asked about the exterior materials.

Ms. Boothe responded that exterior options will be submitted for approved, so they can choose based on price.

Mr. Chalot asked about deck, railings and columns.

Mr. Kenney responded that railings will be with cables, columns will be square. The town engineer's suggestions will be reflected in the plans submitted for the next meeting. A plan has been submitted showing adequate turning radius for the town fire truck onsite.

Mr. Curry opened the public hearing.

Theresa Collins, 19 Philip Road - She is shocked about the large scope of the project. She is concerned that the traffic associated with these buildings will change the way of life in this quiet neighborhood.

Catherine Cliffe, 82 Ocean House Road - She is the office manager of Cape Chiropractic and Acupuncture Office since its opening. She emphasized the many occasions and different ways Dr. Zev and Amber volunteered, sponsored school and other events /individuals in town during the years.

Patricia Bothel, 90 Ocean House Road - She spent an hour reviewing the plans in the town hall and found the project very fitting in this neighborhood. She believes the project meets all required criteria and is happy that the owners are saving the farm house instead of demolishing it. She noted that the number of trees to be planted will greatly improve the existing situation. She reminded neighbors that it is private property and the owners can do what ever they want within the rules of law. She also mentioned that she had opposition when she wanted to plant blueberry bushes in her back yard. (She owns Fox Run Farm.)

Steve Bothel, 90 Ocean House - He also reviewed the plans and believes that this will be a positive addition in many ways. As the owners will live there too, it is a guarantee that it will be managed appropriately. Change cannot be avoided, and appropriate development makes the Town even more desirable.

Steve Bates, 4 Rand Road - He doesn't mind change if it is for the better. He does not think this is for the better. He believes that the development shouldn't be allowed until the Comprehensive Plans is updated and/or a new validated survey is conducted.

Debbie Andrews, 4 Rand Road - She appreciated the testimonies on the character of Dr. Zev and Amber and noted that her neighbors are great people too. The project's footprint is too massive for a residential neighborhood. The building should be oriented to Ocean House Rd and should complement the "Welcome" sign.

Paul Seidman, 21 Oak View Drive - The project is an "insult" on the "Welcome" sign, besides the injury it causes to the neighborhood. The size of the project is obscene. He learned from other developers that the town planner encouraging development by saying "this is what the town needs" and emphasizes only the positive sides and does not indicate to possible difficulties. He believes that planning without the people on board is not good planning.

Jane Frank, 18 Rand Road - She would like the project to be put on hold because of the size and scale of it. She agrees with Suzanne McGinn that a town-wide survey needs to be done before approval. This project is just phase I as the owner wants to continue to develop towards Scott Dyer Road. She is concerned and fearful of the negative impact on traffic, school children, and property values. She wants this land purchased as green space.

Erin McTheny, 5 Hill Way - She wants the project to be reconsidered as it is going to ruin the town and their home.

Stanis Roberts, 12 Hill Way - He is a tenant of Dr. Zev and thinks it is fantastic to have local professionals investing in town. Owners are doing their best to provide excellent service and condition for tenants. The landscaping is great, the existing woodland is already cashed out and does not need to be protected. They are using materials that are eco-friendly to reduce utility costs. He mentioned that it is important that Cape Elizabeth is not only a suburban bedroom where people go home to sleep, but a place to live their professional lives and raise their children.

Tom Emery, 12 Juniper Lane - He wrote to the Planning Board and sent attachments too. He doesn't like the project because it should face Rt 77. This site is not the town center; it is the north corner of it only. He suggests that the Planning Board is not discuss the materials to be used before they deal with the bigger issues. It is about urban planning and there are solutions to fix this problem.

Mark Goon, 2 Davis Point Lane - He supports the project and reminded people of how important it is to have young, dedicated, hard working business professionals in town. The State of Maine has two initiatives: offers tax credit to young professionals who come back to Maine to work as there is labor shortage. We need growth. USM also provides help to graduate professionals.

Steven Freedman, 31 Brentwood - He is in favor of the development. He thinks it is a good start. It is important that we have a vibrant village center for old and young. Downtown business is very important.

Todd Larlee, 5 Cedar Ledge Road - He read the 2014 Town Center Plan that was approved by the Town Council unanimously and found that Dr. Zev and Amber's project meets all the design standards described in the TC Plan. It is small scale business, visually appealing and retains the character. The Myerowitzs are hard working people. They built up their existing business to be successful and now they would like to expand it.

Leslie Young, 8 Golden Ridge Lane - She noted that this lot has been zoned commercial since 1995. This is private property and as long as they follow the zoning and design requirements set in the Zoning Ordinance and in the Town Center Plan, they can go ahead and build. She believes that they've spoken with the owners of Cumbie's and even though they don't work together, they support each other. If anyone wants to keep the land the way it is now, they should have bought it. This is a big project, but it is not bigger than the school or the Inn by the Sea.

Bryan Cliffe, 82 Ocean House Road - He is a resident of the town for 24 years and supporting this project based on the owners' characters. They are both hard working business professionals, dedicated to the community, ready to help and volunteer. They are the type of young people to nurture.

Christopher Newell, 9 Rand Road - He is a new neighbor, and 30 years a CE resident. He does not like the project. He is concerned about visual pollution, noise pollution and light pollution. 54% of lot will be paved and it is not a friendly use.

Rebecca Fernald, 313 Mitchell Road - She is a 24 year resident and she is not against the project, just the scale of it. Views from neighborhood should be strongly considered during the planning process.

Karen Stoughton, 15 Murray Drive - This review is not about the feelings toward the owners. The Hill Way access is problematic for several reasons: side walk, flow of traffic, no regular police monitoring. The scale is too large for the abutting neighborhood.

John Voltz, 33 Philip Road - This project is next to the "Welcome" sign and it is important to get it right! All the impact is on residential Hill Way. For visual appeal, the buildings should be hidden behind trees. The size of project complies with the law but not the spirit of it. The project preserves only a small amount of woodlands. He believes there are flaws in the plans, and the traffic study not valid. There is a subdivision easement on lot 2, and it will be difficult to develop.

Amber Hayes, 163 Two Lights Road - She is thrilled that such nice people live here. She grew up a block away. She finds the project scale too big and thinks that there is no excuse for adding traffic onto Hill Way.

No one else came to speak, so the public hearing was closed.

Mr. Steinberg noted that one speaker questioned the professionalism of a staff member. This is a personal attack and he should apologize. Personal attacks are a not a behavior that should be applauded by anybody.

Ms. Volent asked the reason why access is not on Rt 77.

Ms. O'Meara explained that property has less than 200 feet of frontage on Ocean House Road, and hundreds of feet on Hill Way. The Ocean House Road is a tough spot, and physically dangerous because the sight distance. The applicant's traffic engineer did study this.

Mr. Kenney said that the traffic study performed a full analysis, counts, and determined that the effect on Hill Way traffic will be minimal and low speed. Route 77 has much faster traffic. The study was reviewed by the town engineer too.

Mr. Steinberg asked how many extra trips the project will generate?

Mr. Kenney said that they will bring the traffic engineer for the next meeting, but believes there is no effect on level of service at the nearby intersections. The study looked at several options.

Mr. Steinberg asked if the traffic study looked at cross over points, rush hours.

Mr. Kenney responded that yes, they looked at peak hours, in trip ends estimating summer volumes, and also looked at high crash locations.

Mr. Steinberg stated that Rt 77 is a dangerous intersection anyway and he doesn't see lots of traffic from 10 apartments.

Mr. Frank said that they evaluated site for access, grade change, slope, elevated drive, and it was a simple decision to avoid this. Mr. Frank described the slope on Ocean House Rd and the slope on the portion of the property facing Ocean House Rd and both are challenging, and would require significant changes to the site, ledge removal and tree removal.

Ms. O'Meara said that it is the Town Council's goal to do safety improvements on Hill Way.

Mr. Sahrbeck stated that this was among the Town Council's goals before this project came up as the concerns are on going since a while.

Ms. Jordan was asking for description of "rain garden."

Mr. Kenney said that it is a depression where water will gather, planted with plants, elevation higher than 6 inches. There will be no standing water and no mosquitoes. The function of the rain garden is to treat and slow down peak flows.

Mr. Chalat is concerned about the footprint of the project

Ms. Boothe stated that this is in the Town Center zone. Ms. O'Meara noted the Town Center requirement that the maximum size of a building footprint is 5,000 sq. ft and the ordinance allows for buildings to be connected.

Mr. Curry said that it is a social contract between the developer and the town. We have zoning laws, environmental laws, etc. that guide the Planning Board, and we can't just say no. This is a balancing act. Neighborhood concerns and property owners' rights must be balanced. A system of laws guides what we have to do.

Mr. Steinberg said that pollution- balconies stored items might look strange. He asked if the owners can address this at some point, maybe with tenant regulations? The applicant agreed.

Mr. Sahrbeck said that property owners try to do everything according to regulations. He can support what they've proposed, considering the regulations.

Mr. Curry said that more detail is needed on landscaping, with focus on existing and new plantings, and the visual impact from Hill Way.

Mr. Frank said that the planting plan was discussed in detail with tree warden at site walk.

Ms. Volent asked about the view from Rt 77. Will there be a buffer or aesthetically pleasing transition?

Mr. Curry said that the buffering should be more of a function on Hill Way.

Ms. Volent asked the Planning Board which option to choose?

Mr. Chalot said that even if there will be no cars, there will be a pedestrian entrance on Ocean House Rd. He is thinking the entrance should be something grander, maybe with cover. The picket fence is not enough.

Mr. Steinberg likes the idea of a cover; this would be a focal point.

Mr. Curry said that the layout is unusual, but in concept the front of commercial is Hill Way, front of residential is Rt. 77.

Ms. Jordan said that it is important to reduce mass of building from Rt. 77. Entrance should be with plantings, and doesn't need fence. She agrees not to have too many evergreens, but some to reduce the perceived scale of the building.

Mr. Frank said that it is a capital investment. The planting plan requirements and existing trees and plant landscape was done by their landscape architect.

Ms. O'Meara said that the Planning Board is working on technical amendments that contain a list of approved street trees. The Tree warden has provided recommendations on changes to the Road Tree list. Because of that work, the planner asked him to review this site plan, which is the first time we have had a tree warden review. He wrote a five page memo on comments to the applicant and the applicant has made substantial improvements to the plan based on the tree warden's recommendations. This project is more thorough on how to preserve trees during and after construction than we have done on other projects. In response to a question, the planner noted that the Town can require applicant to replace vegetation that was intended to be preserved and subsequently damaged during construction.

Mr. Curry suggests the applicant come back with option 1 or option 2 so that the Ocean House Rd view is broken up a bit, but also ornamental. He thinks a bit more on Hill Way screening may be needed.

Ms. Volent asked about the view from Rt 77 and was wondering if we are going for a buffer or aesthetically pleasing transition? She asked the board members' opinion.

Ms. Falender said that the new tree warden's report is quite detailed, goes beyond what ordinance requires. The applicant has gone above and beyond what has been done in

the past. Do we want screening? Some, but also a Town Center zone with village kind of entrance. Looks like we want both – so the plan should balance those objectives. We seem to be quite close to the option 1 landscape plan.

Mr. Frank explained that during construction and before installation, the applicant would be willing to install stakes to show the location of proposed plantings and allow some relocation in the field.

Mr. Curry favors option 1.

Mr. Sahrbeck is concerned with the location of the dumpsters, and would like to see them close to the old Cumbi's side. He is also concerned about the exterior lighting.

Mr. Frank said that they will add light cut-offs to keep below the maximum lighting levels.

Ms. Volent asked that the labels on lights be added back onto the plan. She would like to add key, manufacturer type, wattage, height, C-101, add isometric plan. She asked if there will be any lights on the buildings?

Mr. Frank said that maybe porch lights and will be added to the plan. All will be horizontally mounted, directed down, like a porch light in ceiling.

Mr. Chalot is satisfied with landscaping on all sides.

Ms. Jordan is okay with option 1.

Ms. O'Meara promised to forward the elevation from Rand Road with trees and send it electronically to board members.

Ms. Volent was asking about plan C-504, what are the details of the white picket fence, height, table D elevation, 3,4,2 or 5. The plan should choose one option She also questioned the fencing in the back[along the common property line with Cumbies.]

Mr. Sahrbeck thinks that there is no need for fence if the property boundary is vegetated.

Mr. Curry agreed.

Ms. Jordan supported Ms. Volent.

Ms. Volent asked about the enter sign. She would like to get details, lighting, and design. Mr. Frank agreed to bring it to the next meeting.

Mr. Steinberg suggested about the lighting levels visible on Hill Way orientation for the living rooms, as there is more lights. Ms. O'Meara noted that the light limit is .5 footcandles and typical indoor living room lighting will not approach that level.

Mr. Chalot asked at what detail of design are the buildings? Mr. Polgar said that the schematic design is midway, with structure details done and elevations are fixed.

Mr. Chalot said noted that west elevation to left [Hill Way], the word "brutal" was used to describe it. He noted the top level of the library has character because of the large size of its windows.

Mr. Polgar described the window sizes. He noted the Town Center standard of a minimum roof pitch of 7:12 is driving the elevation. They will look at some techniques, such as window size or adding a dormer to adjust that building elevation.

Mr. Chalot said that other elevations are fine.

Ms. Falender said that page CD #101 Note 2 – cleaning limits, should be revised to make clear that the limits cannot be expanded beyond what the plan shows. Any expansion will need the town's approval, not just the architect. She asked about parking. The applicant responded that there is no shared parking, but calculations seem 3 spaces short. The applicant will return with a clearer explanation on what may be shared.

Mr. Curry listed a few things to work on: landscaping, revise, option 1, light, sign, roofline; building to be discussed, exterior materials.

Ms. O'Meara said that the submission deadline for the next meeting is Friday, April 29, but because the April meeting was moved to later in the month, the applicant will be submitted a few days after that date. The Planning Board and the applicant agreed.

Mr. Curry made the following motion:

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Two Penguin Properties, LLC for Minor Subdivision Review of a 3-lot subdivision and Site Plan Review of two buildings containing 6,205 sq. ft. of medical office space, 10 multi-family residential units and a 357 sq. ft. building connector, located at 12 Hill Way, be tabled until the meeting on May 17, 2016.

Mr. Chalot seconded the motion and it passed 7-0

Ms. Volent left the meeting.

Mr. Sahrbeck made a motion to suspend the rules to take up a new item at this time (10:05 p.m.).

Ms. Jordan seconded and it passed 6-0

**Verizon Wireless Water Tank Antennas Site Plan** - Verizon Wireless is requesting Site Plan Review to install wireless antennas on the existing water tower located at 11 Avon Rd, and to construct a 10' x 16' concrete pad at the base of the tower to support equipment cabinets and a generator. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Scott Anderson and Chip Fredette were present from Verizon.

Mr. Curry introduced the project and asked applicant to summarize the changes they made since the last meeting.

Mr. Anderson said they have revised the site plan and added several items. Regarding Notes 6 and 7 on Sheet C-1 on colocation, they have referenced the zoning ordinance to



clarify they will not obstruct future colocation on the site. They added a note regarding the soil remediation that will comply with DEP requirements. There will be no painting done until DEP signs off. They added a fourth section of fencing for noise attenuation using sound attenuating fabric so the noise level will always be below 45 dBA. There will be battery backups that would work for 6-8 hours. They provided a before/after coverage map. They are working on the specific amounts for performance guarantee and will include landscaping and removal.

Mr. Anderson showed pictures of other water tank installations and said that the all around installation requires a lot more materials and he believes that their proposal works better in this case.

At 10:23 Mr. Curry opened the Public Comment.

Pavel Darling, 9 Avon Road - He appreciates the work of the Planning Board. He said that three requirements need to be met: fencing, buffering plan and concealment.

Todd Forsyth, 13 Trundy Road - The visual buffering at 9 Avon Road does not address abutters on Trundy Rd. He showed pictures taken from abutting properties. He believes that the fence is less than 7 feet and the solution is an 8 feet fence and evergreen trees.

Bradley Kaufmann, 1 Avon Road - He submitted pictures of another tower in Texas that showed a 360 degree shroud and he believes that there are two options: cover the cat walk or only under the cat walk. He was talking about the difference between screening and concealment.

Priscilla Armstrong, 18 Avon Road - She admitted that it is a better plan now, but only in response to neighbors complaints. She also likes the word "conceal" but probably camouflage is a better expression.

Jim Carter, 58 Broad Cove Road - He told a hypothetical and a true story when cell coverage was needed to call 911. He prefers service and does not care about aesthetics so much. He supports approval of the antennas.

Tony Armstrong, 32 Lawson Road - The cell phone company will help paint tank. The Planning Board should be aware that the Portland Water District was considering taking tank down. It is unlikely that the tank will stay the same if there was no cell antenna installation proposed. This proposal does not conceal antennas.

The 15 minutes for public comments period was up and closed.

Ms. Jordan asked about the height of the fence. She suggested making the 8 feet high fence a condition of approval.

Mr. Anderson agreed to 8 feet.

Mr. Curry asked about the noise. There were no comments.

Ms. Jordan said that it was addressed and there is a consensus.

Mr. Curry asked about concealment.

Mr. Steinberg said that photo with 360 shroud looks much better.

Ms. Jordan agreed.

Mr. Curry said that it is more attractive.

Mr. Sahrbeck said that shroud satisfies concealment. 360 coverage sticks out more.

Ms. Falender said that 3 shrouds meets requirement for concealment.

Mr. Chalot thinks that 3 little pieces are better. On the photos we saw from Trundy Rd, we couldn't see the top, so added buffering won't change a thing.

Mr. Steinberg said that this is not Verizon's site. We assume PWD is OK with this?

Mr. Anderson said that lease allows reasonable conditions by the Planning Board. He questioned adding hemlock to block the bottom of a tank which is already there. The Trundy Road folks will still see the tank.

Mr. Curry said that the existing forestation is adequate for a buffer. 2/3 of the tower will be visible, no matter what.

Mr. Sahrbeck said that it was hard enough getting around the existing fence during the site walk due to thick brush. Why cut down trees just to add new plantings?

Ms. O'Meara provided a rough sketch of an alternative landscaping plan that constrains the driveway entrance where it intersects Avon Rd.

Ms. Falender likes this proposal.

Ms. O'Meara said that hemlock trees are probably better than the cherry trees proposed.

Mr. Anderson said he is OK with the alternative plan.

Mr. Sahrbeck said that the new proposal at the front of the driveway added more to the left from the right.

Ms. O'Meara said that it is for access management, with evergreen trees closing both sides.

Mr. Sahrbeck said that a coverage map is important to have.

The board voted unanimously on the following Findings of Facts:

1. Verizon Wireless is proposing to install wireless antennas on the existing water tower located at 11 Avon Rd, and to construct a 10' x 16' concrete pad at the base of the tower to support equipment cabinets and a generator, which requires review under Sec. 19-9, Site Plan Regulations and Sec. 19-8-12, Tower and Antenna Performance Standards.
2. The location of the antennas and supporting equipment are located within the developed portion of the site.

3. There is adequate capacity in the existing road system to accommodate the small amount of traffic generated by the project. Access into the site, internal vehicular circulation and parking accommodations are safe and convenient, with access management improvements shown on the Landscape Plan Option A, 4/25/16.
4. A system of pedestrian ways is not appropriate for the proposed use and therefore is not provided.
5. Adequate provision for stormwater has been provided by minimizing the increase in impervious surface and preserving the surrounding vegetation to retain stormwater on the site.
6. Erosion control on the site is adequate by minimizing disturbed soils, and complying with Maine's Erosion and Sedimentation Control Law when soils are disturbed.
7. The proposed project does not require a water supply.
8. The proposed project does not require sanitary waste disposal.
9. The project has been provided with adequate electrical and telecommunication service.
10. The project includes provisions to prevent discharge of materials harmful to human health or the environment. The owner Portland Water District has an agreement with the Maine Department of Environmental Protection for remediation of lead on the site.
11. The project will not generate solid, hazardous or special wastes.
12. The project is not located in the Shoreland Performance Overlay District.
13. The applicant has demonstrated the financial and technical capability to complete the project.
14. The project will provide adequate safety lighting but not excessive lighting. Additional lighting is not required to provide adequate safety at the project.
15. The project does comply with the noise standard.
16. No outside storage of materials is proposed.
17. The use of shrouds and color coordinated cabling conceals the antennas. It is necessary to paint the water tower in order for color coordinated equipment to be concealed.
18. The applicant has demonstrated, by adding note #6 to plan C-1, that it will obstruct co-location by other providers.

19. The proposed antennas will blend into the surrounding environment through the use of color and camouflaging architectural treatment which conceals the antennas
20. The existing vegetation and proposed plantings will provide a buffer and minimize visual impact.
21. No lighting is proposed.
22. The new antennas and ground supporting pad and equipment are designed in conformance with structural standards.
23. The facility is surrounded by an existing fence, which is less than 8' in height but in existence prior to this application, that provides adequate security.
24. No advertising is proposed on the site.
25. Based on the license issued by the Federal Communications Commission (FCC), the equipment will not interfere with existing telecommunication within the service area.
26. The applicant has agreed to remove equipment after no more than 12 months of cessation of use.
26. The applicant shall be required to post a performance guarantee for the proposed improvements on the site.
27. The Planning Board conducted a site walk of the site located at 11 Avon Rd on Saturday, February 27, 2016 beginning at 7:30 am.
28. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-8-12, Tower and Antenna Performance Standards.

Ms. Jordan made the following motion:

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Verizon Wireless for Site Plan Review to install wireless antennas on the existing water tower located at 11 Avon Rd, and to construct a 10' x 16' concrete pad at the base of the tower to support equipment cabinets and a generator be approved, subject to the following conditions:

1. That the plans be revised to label the height of the existing SCADA antennas as 8' high based on information provided by the Portland Water District;
2. That the tower be painted and that all lead remediation be completed to the satisfaction of the DEP as described in their letter dated January 7, 2015 to Roger Paridis at the Portland Water District prior to installation of any antennas or supporting equipment or cabling;
3. That the antennas and supporting equipment, including but not limited to any generator, not produce any noise that cumulatively exceeds 45 dbh between 10

pm and 7 am nor 55 dbh between 7 am and 10 pm of noise at the property line for the site;

4. That the antennas and cabling be concealed in accordance with the plans presented.
5. That the base of the tower including any supporting equipment, structure or cabinetry be enclosed within a minimum height 8' fence with locking gate and that supporting equipment be further concealed with a wood stockade fence of a height of 8' or lesser height if cabinetry is less than 8' high and a baffling blanket be included inside the enclosure;
6. That a note be added to the plans that the installation shall be done in accordance with the current standards of the Electronics Industries Association (EIA) *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*;
7. That a performance guarantee be provided in an amount to cover the proposed improvements to the site and the cost of removal of the equipment after 12 months of cessation of use; and
8. That there be no issuance of a building permit or alteration of the site until the plans have been revised to satisfy the above conditions and submitted to the town planner.

Mr. Steinberg seconded the motion and it passed 6-0

#### NEW BUSINESS

**535 Shore Rd Site Plan** - Michael Friedland is requesting Site Plan Review for 1,490 sq. ft. of retail space located in the existing building located at 535 Shore Rd, Sec. 19-9, Site Plan Completeness.

Mr. Friedland purchased the property, which is partially located in Cape Elizabeth and partially located in South Portland. He has no plan to change the site. It was retail before. He purchased the property for a garage bay. It is difficult to comply with both Cape Elizabeth and South Portland codes.

Mr. Chalot asked if it is adequate to review the square footage measured in the interior and not the gross area?

Mr. Steinberg asked which one is Cape Elizabeth?

Mr. Chalot suggested using the completeness checklist.

In response to a question, Ms. O'Meara said that definition of how to measure square footage is in the ordinance.

Mr. Curry suggested deeming application incomplete and coming back next month.

Mr. Friedland asked that if he is going to do that, will his application be approved?

Mr. Curry said to work with Maureen on possible parking solutions.

Ms. Jordan suggested coming back for another workshop.

Ms. Jordan made the following motion:

THEREFORE BE IT ORDERED that based on the plans and materials submitted and the facts presented, the application of Michael Friedland for Site Plan review of the change of use of 2,389 sq. ft. to village retail of a developed property, located at 535 Shore Rd, be deemed incomplete.

Ms. Falender seconded the motion. The board voted unanimously to adjourn at 11:35 p.m.

Respectfully submitted.

Aniko Varadi  
Minutes Secretary