

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

May 21, 2019

7:00 p.m. Town Hall

Present: Josef Chalot, Chair James Huebener
 Daniel Bodenski Carol Anne Jordan
 Peter Curry Andrew Gilbert
 Jonathan Sahrbeck

Also present was Maureen O'Meara, Town Planner.

CALL TO ORDER

Mr. Chalot called the meeting to order and asked for the approval of the minutes of May 7, 2019 special meeting. The minutes were approved as presented, 7-0. The minutes of the April 22, 2019 meeting were approved as presented, 7-0.

OLD BUSINESS

Ocean House Common site plan - Dr. David Jacobson is proposing a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland located at 326 Ocean House Rd (R2-4-6), Sec. 19-9 Site Plan and Sec. 19-8-3, Resource Protection Permit.

Mr. Curry said he had not been at the last month's review of this project, but he has read all the materials and the minutes, and has been to the site walk. He wanted to know if he should recuse himself. The Board did not want him to recuse.

John Mitchell of Mitchell and Associates is representing Dr. Jacobson. He said he will address the staff comments and their responses. They have moved the flagpole location and added an upright at the base of the flagpole. They have added a 3ft. by 8 ft. concrete slab for the veteran's memorial. An electrical conduit will be added from Ocean House Road to the focal area for any future lighting.

They are adding a specification sheet for the condenser unit. They will not be adding a temporary walkway. The permanent walk will come with Phase 2. The dumpster will have a river birch for additional screening. There will not be any additional parking on the driveway since there is plenty of parking available at the Town Hall.

Mr. Mitchell then addressed comments from Steve Harding's letter of May 15, 2019. He noted that the Town has the capacity to handle the runoff from Phase 1. He then addressed all the comments and their responses to them.

Steve Bradstreet of Bradstreet Consulting addressed the stormwater comments from Steve Harding. He noted that they will be cleaning up the stormwater before it goes into the Town system. The details are on the plans.

Matt Provencal of Mark Mueller Architects said they had revised the plans so there are now 54% openings on the front of the building, not counting the second floor windows. He brought samples of the exterior siding and passed them around to the Board.

Mr. Mitchell went through the exhibits in the packet. That included the photometric plan and the permit from the Army Corps for the wetlands.

They are asking for a waiver of the high intensity soil survey.

Mr. Chalot opened the public hearing, and since there was no one in the audience, the hearing was closed.

Mr. Sahrbeck asked Ms. O'Meara to explain the Town's acceptance of the stormwater for this project.

Ms. O'Meara said this is an unusual situation, but the Town has done a lot of planning for the Town Center District. The Town did a stormwater plan for the entire Town Center District in 1995. A TIF district has been created for the Town Center for sidewalk improvements and stormwater improvements. They do not want detention basins in the Town Center, so the Town will accept stormwater runoff into the Town stormwater system instead of requiring any runoff to be treated on site. For Phase 1 of this project, the Town has committed to accept all those flows from the project. The Town has commissioned the Town Engineer to evaluate the existing Town's system to handle all the flow. If a portion of the system need to be enlarged it will be the Town's responsibility to enlarge it.

Mr. Gilbert asked about the availability of water on the site.

Mr. Mitchell said that the water line comes in from Ocean House Road. He will have to consult with the Water District to see how this can be accomplished.

Ms. Jordan said she supports the decision to not add parking or a temporary walkway. The Board agreed with her comments.

Mr. Curry asked about the stormwater from Phases 2 and 3.

Ms. O'Meara said it is the intent of the Town to handle the flows from the entire buildout. There is a possibility that the system can't handle it and then they will look at possible solutions.

Mr. Sahrbeck thanked Dr. Jacobson for his generous gift of the Town Center.

Mr. Huebener thanked them for moving the flagpole and the addition of the concrete pad and electric outlet at the pole.

Mr. Curry thanked them for a complete application on a beautiful plan.

Mr. Sahrbeck made the following motion:

1. David S. Jacobson is requesting Site Plan Review and a Resource Protection Permit for Ocean House Commons, a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland, which requires review for compliance with Sec. 19-9 Site Plan Regulations, Sec. 19-6-4 Town Center Zoning and Village green requirements and Sec. 19-8-3 Resource Protection Regulations.
2. The plan for the development reflects the natural capabilities of the site to support development.
3. Access to the development will be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site will be safe. Parking will be provided in accordance with Sec. 19-7-8, Off-Street Parking.
4. The plan does provide for a system of pedestrian ways within the development.
5. The plan does provide for adequate collection and discharge of stormwater.
6. The development will not cause soil erosion, based on the erosion plan submitted.
7. The development will be provided with an adequate quantity and quality of potable water.
8. The development will provide for adequate sewage disposal.
9. The development will be provided with access to utilities.

10. The development will not locate, store or discharge materials harmful to surface or ground waters.
11. The development will provide for adequate disposal of solid wastes.
12. The development will not adversely affect the water quality or shoreline of any adjacent water body.
13. The applicant has demonstrated adequate technical and financial capability to complete the project.
14. The development will provide for adequate exterior lighting without excessive illumination.
15. The development will provide a vegetative buffer throughout and around the site and screening as needed.
16. The development will not substantially increase noise levels and cause human discomfort.
17. Storage of exterior materials on the site that may be visible to the public will be screened by fencing or landscaping.
18. The application substantially complies with Sec. 19-9 Site Plan Regulations, Sec. 19-6-4 Town Center Zoning and Village green requirements, and Sec. 19-8-3, Resource Protection Regulations.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of David S. Jacobson for Site Plan Review and a Resource Protection Permit for Ocean House Commons, a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland be approved, subject to the following conditions:

1. That the plans be revised to address the comments of the Town Engineer in his letter dated May 15, 2019;
2. That the construction of the village green be completed and/or a performance guarantee be in place for the remaining improvements if the village green construction has been commenced but is not yet complete and a deed be signed and offered to the Town Council for acceptance, prior to the issuance of a certificate of occupancy;

3. That drainage easements be submitted in a form acceptable to the town attorney and signed by the applicant;
4. That there be no issuance of a building permit nor alteration of the site until the plans and materials have been revised to address the above conditions and a performance guarantee has been provided to the Town of Cape Elizabeth in a form acceptable to the Town Attorney, an amount acceptable to the Town Engineer, and all acceptable to the Town Manager.

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

NEW BUSINESS

Wentworth Lodge Site Plan Renewal - The Sprague Corporation is seeking a site plan reapproval of Wentworth Lodge, a Special event facility located at 10 Winters Lane, Sec. 19-9, Site Plan Completeness and Public Hearing and Sec. 19-8-15, Special event facility standards.

John Greene represented the Sprague Corporation. They are requesting reapproval of the plan that was approved on June 21, 2016. They were required to list the events that were held. They are proposing no changes to the site. He said they have held 12 events over the last 3 years. He showed how many guests and how many vehicles they have had. He showed a small table of events proposed for 2019. Buses will be provided to reduce the number of vehicles in the parking area. They do not propose any permanent impervious surfaces, nor any change in the landscaping. No disturbance of soil or vegetation is proposed. No change in the landscaping or permanent lighting is proposed. The events will not increase the noise levels, non-Sprague abutters are measured in increments of miles. They have not requested any waivers.

There was no one in the audience for public comments.

Ms. Jordan made the following motion:

Based on the plans and materials submitted and the facts presented, the application of the Sprague Corporation for site plan review of a special event facility located at the Wentworth Lodge, 10 Winters Ln be deemed complete.

Mr. Sahrbeck seconded the motion and it was approved, 7-0.

The Board did not need a site walk.

Since no one was in the audience there was no public hearing.

Mr. Huebener made the following motion:

Findings of Fact

1. The Sprague Corporation is requesting site plan review of a special event facility located at the Wentworth Lodge, 10 Winters Ln, which requires review for compliance with Sec. 19-9, Site Plan Regulations and Sec. 19-8-15, Special Event Facility Standards.
2. The plan for the development reflects the natural capabilities of the site to support development.
3. Access to the development will be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site will be safe. Parking will be provided in accordance with Sec. 19-7-8, Off-Street Parking. The Planning Board finds that provision of 20' wide parking aisles is adequate based on the normal imprecision of attendant directed parking in an unlined hayfield as long as clear access for emergency vehicles is provided at all times.
4. The plan does provide for a system of pedestrian ways within the development.
5. The plan does provide for adequate collection and discharge of stormwater.
6. The development will not cause soil erosion, based on the erosion plan submitted.
7. The development will be provided with an adequate quantity and quality of potable water.
8. The development will provide for adequate sewage disposal.
9. The development will be provided with access to utilities.
10. The development will not locate, store or discharge materials harmful to surface or ground waters.
11. The development will provide for adequate disposal of solid wastes.
12. The development will not adversely affect the water quality or shoreline of any adjacent water body.

13. The applicant has demonstrated adequate technical and financial capability to complete the project.
14. The development will provide for adequate exterior lighting without excessive illumination.
15. The development will provide a vegetative buffer throughout and around the site and screening as needed.
16. The development will not substantially increase noise levels and cause human discomfort.
17. There will be no permanent storage of exterior materials on the site.
18. The scope of the special events will not exceed the maximum limits for special event facilities.
19. The temporary nature of the parking and sanitary waste facilities is adequate to comply with Site Plan Standards.
20. No special event structures are proposed that are subject to building codes.
21. Additional restrictions have not been imposed on the operation of the special event facility.
22. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-8-15, Special Event Facility Standards.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Sprague Corporation for site plan review of a special event facility located at the Wentworth Lodge, 10 Winters Ln be approved, subject to the following conditions:

1. The approval does not include or grant permission for hosting special events in the Wentworth Lodge building.

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

The board voted unanimously to adjourn at 8:05 p.m.

Respectfully submitted,

Hiroimi Dolliver
Minutes Secretary