

AGENDA

TOWN OF CAPE ELIZABETH

PLANNING BOARD AGENDA

January 21, 2003 7:00 p.m. Town Hall

CALL TO ORDER

7:00 Minutes of previous meeting: October 15, 2002

Correspondence:

-Letter (11/13/02) from Mr. and Mrs. Nedwell re: Hamlin St RP Permit

-Letter (1/02/03) from Mr. and Mrs. Nedwell re: Hamlin St RP Permit

-Planning Board Activity Report for 2002

-"Snouts are Out" article

-Planning Commissioners Journal Fall 2002

-Zoning News October 2002

-Zoning News November 2002

-DEP Fact Sheet: New Authority over Protected Natural Resources

-Maine Shore Steward Newsletter Fall 2002

-Memo from Public Works Director re: Leighton Farms

-Letter from Mr. and Mrs Howe re: Leighton Farms

-Zoning News December 2002

CONSENT AGENDA

1. Cross Hill Lot 63 Subdivision Amendment - Request by Richard Herrera and Brian Dietz to adjust the lot line for lot 63 located at 1206 Sawyer Rd(U59-19), Sec. 16-2-5, Amendments to Previously approved subdivisions.

NEW BUSINESS

7:10 Leighton Farms Subdivision - Request by Joel Fitzpatrick of

Wyley Enterprises. LLC for Preliminary Subdivision Review and a Resource Protection Permit for Leighton Farms, a 16-lot subdivision located off Wells Rd (R5-32/30), Sec. 16-2-4, Major Subdivision Review and Sec. 19-8-3, Resource Protection Permit.

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Draft Minutes

TOWN OF CAPE ELIZABETH, MAINE

MINUTES OF PLANNING BOARD MEETING

January 21, 2003 7 P.M., TOWN HALL

Present: David Griffin, Chair

John Ciraldo

Andrew Charles

Peter Cotter

Peter Hatem

Barbara Schenkel

David Sherman

Also present was Maureen O'Meara, Town Planner.

David Griffin called the meeting to order and asked for action on the minutes of the previous meeting of October 15, 2002. Mrs. Schenkel noted the misuse of the word "quarantine" instead of "guarantee" on the last paragraph of page three. So noted and with no further corrections, Mr. Sherman made a motion to accept the minutes as amended. Motion was seconded by Mrs. Schenkel and carried 6 in favor and 0 opposed 1 abstained (Peter Hatem)

Next order of business was to elect officers for the upcoming year.

Mr. Sherman nominated John Ciraldo for Chair. Mrs. Schenkel seconded the nomination and the vote carried 6 in favor 0 opposed and 1 abstained (Mr. Ciraldo).

Mrs. Schenkel nominated Mr. Charles for Vice-Chair. Mr. Ciraldo seconded the nomination and the vote carried 6 in favor 0 opposed and 1 abstained (Mr. Charles).

Mr. Ciraldo assumed the position of chair and continued with the agenda.

CONSENT AGENDA

Cross Hill Lot 63 Subdivision Amendment - Request by Richard Herrera and Brian Dietz to adjust the lot line for lot 63 located at 1206 Sawyer Rd. (U59-19), Sec.16-2-5, Amendments to Previously approved subdivisions.

Mr. Sherman stated that based on the submission, he felt the application would be appropriate to consider as an agenda item.

Mr. Griffin questioned Ms. O'Meara with regard to whether or not the changes might impact public right-of -ways. She replied that the only change would be an increase of frontage of lot #63 along Sawyer Road. The alteration would not impact any easements or right-of-ways nor any conditions which the subdivision might be subject to.

Mr. Sherman made the following motion for the Board to consider:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Richard Herrera and Brian Dietz for an amendment to lot 63 of the Cross Hill Subdivision be approved as a Consent Agenda item.

Motion was seconded by Mr. Charles and carried 7 in favor and 0 opposed.

NEW BUSINESS

Leighton Farms Subdivision - Request by Joel Fitzpatrick of Wyley Enterprises, LLC for Preliminary Subdivision Review and a Resource Protection Permit for Leighton Farms, a 16-lot subdivision located off Wells Rd (R5-32/30), Sec. 16-2-4, Major Subdivision Review and Sec. 19-8-3, Resource Protection Permit.

Owens McCullough, an engineer with Sebago Technics, stepped forward to represent Joel and Kelly Fitzpatrick of Wyley Ent., LLC, formerly Fitzpatrick Assoc. Mr. McCullough reviewed the project with the Board and touched on the following criteria:

1. The project is a 16-lot residential subdivision located in the Residence B Zone and subject to mandatory open space zoning.
2. The subdivision is a 13.9-acre parcel located adjacent to the Cross Hill Subdivision and will be accessed from Wells Road.
3. The access from Wells Rd. will consist of a thousand feet of roadway which will evolve to a cul-de-sac turnaround. Each lot will have access from that roadway with the exception of the existing farmhouse at the frontage of the subdivision. The farmhouse will remain but an outbuilding will be removed to provide for one of the proposed lots.
4. By design, the farmhouse will provide some of the open space

area as well as serve as some characteristic definition for the subdivision.

5. A larger parcel of open space within the subdivision will access each lot as well as form a link with a CMP corridor. The trail system within that corridor links in turn with open space within the Cross Hill Subdivision.

6. The project will be serviced by public water and sewer. Portland Water District submitted a letter confirming capacity to serve. The Cross Hill Subdivision is serviced by a pump station which was designed with additional capacity to accommodate development beyond Cross Hill. A detail of the system was included for review in the submission packet. An accompanying letter from engineer Les Barry of BH2M, who designed the system, confirms additional capacity.

7. The roadway will be curved with an internal storm drainage system. Storm water will be conveyed to an existing farm pond which will be modified to accept the additional run-off. The pond currently serves the Cross Hill Subdivision. The roadway and drainage infrastructure will eventually be offered for acceptance by the town.

8. A sidewalk and esplanade with street trees will exist the length of the roadway.

9. The lots will range in size from 10,000 sq.ft. to 17,000 sq. ft. to accommodate the average density requirements of not more than 15,000 sq.ft./lot for cluster and open space zoning. The lot layout was designed to take best advantage of the attributes of the property.

10. Public utilities, underground electric, telephone, and cable services will come off the Wells Road.

11. The Town Engineer had reviewed the project subject to completeness. Waivers are requested with regard to a high intensity soil survey and a hydro-geologic assessment. Because the project is serviced by public water and sewer, the applicant is requesting those requirements be waived. The Town Engineer deems the waivers appropriate.

12. A Resource Protection Permit is requested. Grading will be necessary on lot 2 with regard to the modifications on the detention basin and wetlands will be impacted. Mark Hampton, a wetland scientist from Hampton Assoc., mapped out the wetland area for the project.

13. A community impact assessment was included in the submission packet. Planning Decisions, Inc. of So. Portland performed the study and concluded that the project complied with the Town comprehensive plan relative to any impact on the design and area of location.

Mr. McCullough sought questions from the Board.

Mr. Ciraldo asked for a review of the waivers the applicant is requesting.

Mr. McCullough explained that the submitted plan has a scale of 1"=60' which differs from the requirement of 1"=40'. The smaller scale allows the entire project design to be on one page while still being legible. A single plan would also facilitate recording.

A second waiver concerns the undertaking of a soils report, high intensity soils survey, and lot-by-lot soil suitability analysis. The project will be serviced by public sewer and water and requires no on site disposal or well systems. A soils scientist walked the site, mapped the soils and prepared a report of finding on the wetland area. Also a detailed two-foot on-the-ground topographical survey was done to help design the roadway and utility infrastructure.

A third waiver concerns the ordinance requirements for a 6"X 6" granite monument to be placed where every lot line meets a right-of-way. The applicant proposes that points of curvature along the right-of-way be marked with a 6"X6" granite monument and the property lines, front and rear, be marked with a surveyor's yellow capped iron pin depicting the surveyor's seal and number.

Mr. Sherman asked the Town Planner for comments with regard to the waiver of scale on the plan. Ms. O'Meara replied that it was a common approach and advantageous to review the entire project design on one plan.

Mr. Charles recommended a site walk to oversee the boundaries of the project and better envision how the open space areas would interact.

Mr. Ciraldo asked for a motion for completeness. Mr. Griffin made the following motion for the Board to consider:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Wyley Enterprises LLC for Major Subdivision Review and a Resource Protection Permit to construct Leighton Farms, a 16-lot subdivision located off Wells road, be deemed complete.

Motion was seconded by Mr. Charles and carried 7 in favor and 0 opposed.

The Board agreed to a site walk on February 1, 2003 at 9:00AM.

BE IT FURTHER ORDERED that the above application be tabled to the February 18, 2003 meeting of the Planning Board, at which time a public hearing shall be held.

Motion was seconded by Mr. Charles and carried 7 in favor and

0 opposed.

With no further business, Mr. Ciraldo asked for a motion to adjourn.

Mr. Cotter made the motion to adjourn. Motion was seconded by Mr. Charles and carried 7 in favor and 0 opposed.

Meeting adjourned at 8:50PM.

Respectfully submitted,

Barbara H. Lamson, Minutes Secretary

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