

[Planning Board Agenda](#) (regular meeting 05/18/04)

([workshop 06/01/04](#))

Draft Minutes ([April 29, 2004](#))

AGENDA

TOWN OF CAPE ELIZABETH

PLANNING BOARD AGENDA

May 18, 2004 7:00 p.m. Town Hall

CALL TO ORDER

7:00 Minutes of previous meeting: April 29, 2004

Correspondence:

- Letter from S. Mohr re: Inn by the Sea
- Letter from S Mohr to abutters re: Inn by the Sea
- Letter from P. Wovkonish re: Gallant Private Accessway Permit
- Letter from M. Kelly re: Shore Acres Paper Streets
- Planning Commissioners Journal Spring 2004
- Shoreland Zoning News Winter 2004

NEW BUSINESS

7:05 Purpoodock Club Site Plan/Resource Protection Permit - The Purpoodock Club is requesting Site Plan Review and a Resource Protection Permit to install a new irrigation system and pump building at the Purpoodock Club located at 300 Spurwink Ave, (R4-3), Sec. 19-9, Site Plan Completeness and Public Hearing, Sec. 19-8-3, Resource Protection Permit and Public Hearing.

7:25 Gallant Private Accessway Permit - Erin Grady Gallant is requesting a Private Accessway Permit to construct a driveway for a lot located at 364 Mitchell Rd (U31-9A), Sec. 19-7-9, Private Accessway Permit Completeness and Public Hearing.

7:55 Hamlin Street Subdivision - Cloutier Construction is requesting Subdivision Review of a reconfigured 9 lot subdivision to be located at the end of Hamlin Street, Sec. 16-2-5, Amendment to a previously approved subdivision.

OTHER BUSINESS

8:20 Shore Acres Tower Overlay District- The Town Council has referred to the Planning Board a request to consider a proposed

Tower Overlay District on the Water Tower Site in Shore Acres, located at 11 Avon Rd, (U12-12), Sec. 19-10-3, Zoning Map Amendment Public Hearing.

8:55 Shore Acres Paper Street Vacation - The Town Council has referred to the Planning Board a request to review the paper streets located in the Shore Acres neighborhood north of Trundy Rd for possible vacation, Public Hearing.

The Cape Elizabeth Planning Board will hold a workshop on Tuesday, June 1, 2004, beginning at 7:00 p.m., in the Jordan Conference Room of the Town Hall.

AGENDA

7:00 1. Cianchette Resource Protection Permit - Kevan Rinehart, representing Peggy Cianchette, would like to discuss a Resource Protection Permit to install a water line to serve a lot located at 2 Canter Lane (U23-3).

7:20 2. Steve Murray Private Road Review - John Mitchell, representing Steve Murray, would like to discuss construction of a private road for two lots located off Fowler Rd (U20-6/11-1).

7:40 3. Cape Health Center Addition - Mark Wilcox, representing Dr. Craig Johnson, would like to discuss an addition to the Cape Health Center building located at 1226 Shore Rd(U11-14).

7:55 4. Murray/Fowler Rd Rezoning - The Murray Family is requesting a rezoning of the gravel pit located at 31 Fowler Rd to allow moving the contracting business to consolidate at that location (U20-9A, 11). For this meeting, the applicant has submitted information requested regarding traffic, wetlands and parking on the site.

8:20 5. Shore Acres Paper Street Review - The Planning Board has tabled the Paper street project to this workshop following the public hearing held on May 18th in order to finalize the details of a recommendation to the Town Council. Please bring the memorandum in the May 18th Planning Board package to this meeting.

8:40 6. Open Space Zoning Amendment - The Town Council has forwarded a request to the Planning Board to amend the Zoning Ordinance to allow phasing with concept plans of Open Space Zoning Subdivisions.

9:00 7. Multi-family Zoning Amendments - The Town Council has forwarded a request to the Planning Board to clarify the construction of apartments in the BA District.

TOWN OF CAPE ELIZABETH

MINUTES OF THE PLANNING BOARD

APRIL 29, 2004 7 PM, TOWN HALL

David Griffin Peter Hatem

Peter Cotter David Sherman

John Ciraldo Jack Kennealy

Absent: Barbara Schenkel

Also present was Maureen O'Meara, Town Planner.

Mr. Ciraldo opened the meeting by asking for a review of the prior meeting's minutes.

Mr. Sherman stated on page 3, add the text of the condition that the maintenance agreement be submitted in a form acceptable to the Town Attorney. On page 6 there was a change from Mr. Charles to Mr.

Sherman.

Mr. Griffin made a motion to accept the minutes as amended and Mr. Hatem seconded the motion. Motion passed 6 in favor, 0 opposed.

Mr. Ciraldo reviewed correspondence and the agenda for the evening. He stated there were two items originally scheduled for the meeting that was not on the agenda. The Comfy Cape Daycare has withdrawn their application and the Hamlin St. Subdivision has requested to table until the May 18, 2004 meeting.

CONSENT AGENDA

Aucocisco School Site Plan Amendments - The Aucocisco School is requesting miscellaneous amendments to the recently approved site plan for the property located at 126 Spurwink Ave.

None of the changes amend a condition of approval and no buffering would be reduced by the changes. The amendments will be reviewed for compliance with Sec. 19-9-6, Site Plan Amendments.

Mr. Ciraldo reminded Board members that in order for discussion of the amendment it must be taken off the Consent Agenda. Hearing none, he asked for a motion.

Mr. Griffin made the following motion for the Board to consider.

BE IT ORDERED that, based on the plans and materials

submitted, the application of Barbara and Harvey Melnick of the Aucocisco School for miscellaneous amendments to the previously granted site plan for the Aucocisco School located at 126 Spurwink Ave be approved.

Mr. Hatem seconded the motion and carried 6 in favor, 0 opposed.

OLD BUSINESS

Cape Elizabeth Commons Site Plan - Isis Development (Paul Woods) is requesting Site Plan Review of Cape Elizabeth Commons, a 15, 000 sq. ft. mixed use building, to be located at 316 Ocean House Rd.

The application was deemed complete and a public hearing is scheduled for this evening. The application will be reviewed for compliance with Sec. 19-9. Site Plan Regulations and Sec. 19-6-4.D.3, Town Center Design Requirements.

Mr. Ciraldo recused himself as his law firm represents the applicant.

Mr. Sherman assumed the chair for this item.

Mr. Sherman asked the applicant to describe any changes.

Paul Woods, Isis Development, introduced Tom Saucier, SYTDesign Consultants, to speak about revisions made by staff comments.

Tom Saucier, SYTDesign Consultants, described revisions made to the site plan. They include relocating the building 5 ft, increasing the terrace in front of building, replacing the brick catch basin with a precast structure, and increasing the sidewalk width to 6 ft.

Mark Sengelmann, Architect with Port City Design, stated that there were very few changes to the building itself. The air conditioning units will be located on the roof. He displayed the site lighting of the parking lot, and proposed fewer fixtures with shoe box lighting fixtures in the back that give off more light than the decorative Town Center lighting still in the front.

Tony Meunch, Landscape Architect, described the large trees proposed in front of the building. Most of existing growth on the side of building will be preserved with the exception of a poplar tree, which will be replaced with a sugar maple.

Mr. Sherman opened the public hearing.

Mary Page, 172 Two Lights Road and proprietor of Two Lights General Store, asked about the parking with the Town Hall.

Maureen O'Meara explained the parking requirements for the

different uses in the building and the sharing of parking spaces with the Town Hall.

Ms. Page stated her concern that her tax dollars would be supporting a coffee shop, which would be in direct competition with her business.

Mr. Sherman closed the public Hearing.

Mr. Kennealy asked about facilities for a kitchen in the restaurant and where it would be located.

Mr. Woods said the kitchen would be on the side of the building, facing the Town Hall.

Mr. Griffin wanted to know about the large poplar tree that would be removed.

Mr. Meunch stated that when that type of tree gets that large, they typically die off quickly and the numerous trunks could be potential problems.

Mr. Griffin asked if there were going to be light fixtures in the esplanade.

Mr. Meunch explained that the light fixtures would be behind the sidewalk.

Mr. Sherman asked if there were any safety concerns with Town Center lighting in the back of the parking lot.

Mr. Sengelmann stated that they have ½ foot-candle with the Town Center lighting and a full foot-candle with the shoebox style.

Ms. O'Meara stated that a ½ foot-candle light is substantial enough lighting to read by. She also stated that the Town does not get complaints for lack of lighting. They get complaints about too much light.

Mr. Sherman stated he prefers the lighting to be consistent with the Town Center. Mr. Kennealy agreed.

Mr. Sherman asked about the islands in the parking lot and if there would be street trees in the island.

Mr. Meunch said they would accommodate that.

Mr. Sherman asked about the ground covering between the proposed site and the Town Hall.

Mr. Meunch said there would be hosta plantings.

Mr. Griffin asked if the plan shown is what the actual colors would be on the building.

Mr. Sengelmann stated that there would be earth tones that would be complimentary to the Town Hall, not yellow, wood cedar clapboard siding, asphalt shingles, and windows that are not tinted.

Mr. Sherman asked if there was motion for the Board.

Mr. Griffin made the following motion for the Board to consider.

Motion for the Board to Consider

Findings of Fact

1. Isis Development (Paul Woods) is requesting Site Plan Review of Cape Elizabeth Commons, a 15, 000 sq. ft. mixed use building, to be located at 316 Ocean House Rd which requires review under Sec. 19-9, Site Plan Regulations.
2. The sidewalk and esplanade included on the plans is partially located on the applicant's lot.
3. Visual continuity, which includes a consistent light fixture style, is part of the purpose of the Town Center District and a goal of the Town Center Plan.
4. The Town Center Design Requirements mandate that no more than 10 parking spaces may be proposed in a row without an island planted with a street tree.
5. The area immediately north of town hall will be redesigned and a surface treatment should be clearly identified on the plans.
6. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-6-4.D.3, Town Center Design Requirements.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Isis Development for Site Plan review of Cape Elizabeth Commons, a 15, 000 sq. ft. mixed use building of 5,700 sq. ft. office space, 2,500 sq. ft. retail space, 1,800 sq. ft. restaurant, and 4 multi-family dwelling units to be located at 316 Ocean House Rd, be approved, subject to the following conditions:

1. That a public access easement in a form acceptable to the Town Attorney and approved by the Town Manager be provided for the area along the front of the property where the sidewalk is located;
2. That the lighting fixtures in the parking lot be consistent with the town center style fixture;
3. That a street tree be planted in the islands in the rear parking lot;

4. That the plans be revised to consistently show the area on the north side of town hall with a specified quantity of hosta plantings and a walkway.

5. That there be no issuance of a building permit until the above conditions have been met.

Mr. Kennealy seconded the motion and carried 5 in favor, 0 opposed.

Pond Cove Addition/ Cape High School Renovation Site Plan - The Town of Cape Elizabeth is requesting Site Plan Review of an addition to Pond Cove Elementary School and renovations to the High School and related improvements.

The application has been deemed complete and a public hearing held. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Mr. Sherman recused himself as his firm represents the school department.

Tom Greer, Pinkham and Greer, stated that the project went to the Town Council where they had approved a light at the intersection. He said they were waiting for the DEP permit, which was expected the following week. He stated they had made changes that had been requested. He wanted to verify that there was time consideration for the traffic light to accommodate applying for monies.

Mr. Ciraldo wanted clarity with the Town Planner concerning the traffic light.

Ms. O'Meara stated that the Town Council has committed to installing a light. There is nothing showing it on the plan but there is written documentation in the file stating that. She stated that there should be a date that would give the Town enough time to exhaust all possibilities for grants.

Mr. Greer agreed and thought October 31, 2006 would work.

Mr. Howe, Architect with HKTA Architects, stated that a year after substantial completion of the project as a deadline for the light.

Mr. Ciraldo wanted to see a deadline reflecting the installation of the light.

Ms. O'Meara suggested December 31, 2006.

Mr. Ciraldo stated he wanted flexibility in placement of modular classrooms at the school.

Mr. Greer stated that they were planning on putting them either parallel or perpendicular with the school, depending on

placement of stairs and ramps.

Mr. Griffin wanted to confirm that they were temporary structures.

Mr. Greer stated yes and they meet all standards.

Mr. Ciraldo asked for a motion.

Mr. Hatem made the following motion for the Board to consider.

Motion for the Board to Consider

Findings of Fact

1. The Town of Cape Elizabeth is requesting Site Plan Review of an addition to Pond Cove Elementary School and renovations to the High School and related improvements, which requires review under Sec. 19-9, Site Plan Regulations.
2. The project includes the installation of a traffic light and left turn lane on Route 77, which will require some alteration of the intersection.
3. The Town Engineer has requested that a sidewalk detail and proposed planting bed should be further revised.
4. The applicant is still adjusting the final configuration of modular classrooms that will be temporarily installed on the site.
5. The application substantially complies with Sec. 19-9, Site Plan Regulations, and Sec. 19-6-4.D.3, Town Center Design Requirements.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Town of Cape Elizabeth for Site Plan Review of an addition to Pond Cove Elementary School, located on Scott Dyer Rd, and renovations to the High School, located on Ocean House Rd, and related improvements be approved with the following conditions:

1. That plans for design of the traffic light installation and related improvements be prepared prior to a certificate of occupancy issued for the High School renovation;
2. That the final configuration and size of the modular classrooms to be installed on the northeast side of the High School be approved by the Fire Chief and the Public Works Director;
3. That the plans be revised per the Town Engineer's comments.

Mr. Griffin seconded the motion and carried 5 in favor, 0 opposed.

NEW BUSINESS

Inn by the Sea Site Plan Amendment - The Inn by the Sea, located at 40 Bowery Beach Rd, is requesting an amendment to the previous Site Plan approval to increase the limit on function size from 176 guests to 320 guests. The request will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Stephen Mohr, Mohr & Seredin Landscape Architects, stated that the Board had approved changes to allow 176 guests at the Inn. He said one issue was noise, and they have put noise blankets in place during outdoor events. They verified that noise complaints have been made to the police. He also stated that the septic field, which is monitored with regular reporting to the Code Enforcement Officer, has performed very well. He discussed the off site parking and the procurement of 40 additional parking spaces with St. Bartholomews. Since evaluating the overall proposal, they have come to conclusion that they want to change the request from 320 to 260 guests. Mr. Mohr also discussed traffic. He stated from the prior traffic study done by Bill Bray had shown that level of traffic service of a level "A" based on 175 to 200 guests. He had an additional request of having the 8:00 p.m. shut-down time to be extended to 9:00 p.m. The music and events would still shut down at 8:00 p.m., however it takes an additional hour to get the event to wind down.

Mr. Ciraldo stated that there could be some different numbers in traffic, as people will be leaving other guests at the events. He also thought there should be a public hearing since there has been some correspondence with the neighbors.

Mr. Kennealy asked about the restriction of parking with St. Bartholomews to 5:00p.m. and its implication with the number of guests for a weekend event.

Susan Legge, Susan Legge Events, stated that the most guests they allow are 125 at events on the side lawn. Between 4:30 and 5:00 p.m. the valets will shuttle the vehicles from the church back to the Inn for the guests to leave.

Mr. Ciraldo asked for clarity on the noise and time limits.

Mr. Mohr stated that they were separate issues. They had different levels for noise levels on front and side lawns. He stated that they could have amplified music in the tent, which would keep the music below a 60-decibel standard. He stated that the music would be over by 8:00p.m. He said they also have verified with police and could not find any complaints on record.

Mr. Sherman asked if this proposal would affect the amount of guests on the side lawn.

Mr. Mohr stated it would, and it would bump up by 25 people.

Mr. Sherman asked if he would submit with his proposal the effect of an extra 25 people and the noise level.

Mr. Mohr stated yes.

Mr. Ciraldo asked Ms. Legge how the guests would know where to park at an event.

Ms. Legge stated there are valet parkers and coordinators at every event. It would also depend on the event and the amount of vehicles that would attend.

Mr. Sherman asked Ms. O'Meara if she was comfortable with the septic. She stated she had been in a meeting with the Al Frick, system designer, and was assured that it was adequate.

Mr. Griffin asked if this proposal is for securing events for this summer.

Mr. Mohr stated no, this year is already booked.

Mr. Griffin stated he would like to see a public hearing in deference to the abutters. He also asked if the traffic study showed any leeway.

Mr. Mohr said the study more than exceeded MDOT standards. He stated that they did the study with potential increase in mind and would remain a service level "A".

Mr. Cotter asked when the May Planning Board meeting would be.

Ms. O'Meara stated May 18, and we would need to give the applicant leeway submitting necessary materials due to the deadline being April 30, 2004.

Mr. Ciraldo asked for a motion.

Mr. Sherman made the following motion for the board to consider.

Motion for the Board to Consider

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Inn by the Sea, located at 40 Bowery Beach Rd, for amendments to the previously approved site plan to allow up to 260 guests at outdoor functions and allow functions to operate until 9:00 pm, with music ending at 8:00 p.m., be tabled until the May 18th meeting at which time a public hearing will be held.

Mr. Cotter seconded the motion and carried 6 in favor, 0 opposed.

Mr. Mohr verified that the Board wanted a statement from Al Frick that verifies septic capacities, information from Mr. Bray verifying the traffic study, the monitoring information of noise, and impact of 25 people to the sideline with noise.

Mr. Ciraldo verified the Board did not have a site walk.

Mr. Griffin made a motion to adjourn.

Mr. Hatem seconded the motion and carried 6 in favor, 0 opposed.

Meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Laurie Palanza

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