

AGENDA

Note: The Planning Board will be meeting at 6:30 p.m., before this workshop, at the Inn by the Sea located at 40 Bowery Beach Rd for a Site Walk.

The Cape Elizabeth Planning Board will hold a workshop on Tuesday, October 5, 2004, beginning at 7:30 p.m., in the Jordan Conference Room of the Town Hall.

AGENDA

7:30 1. Cape Center Commons Site Plan Amendments- Paul Woods, of Isis LLC, would like to discuss amendments to the site plan for the Cape Center Commons located at 316 Ocean House Rd (U11-16A) to delete alterations to a 35' easement area located on the north side of the parcel and to increase the number of multifamily units from 4 to 5.

7:50 2. 1231 Shore Rd Office Building Site Plan Amendments - Everett Johnson would like to request amendments to the site plan for the office building located at 1231 Shore Rd (U22-82).

DRAFT MINUTES

TOWN OF CAPE ELIZABETH

MINUTES OF THE PLANNING BOARD

August 17, 2004 7:00 p.m. Town Hall

Present: John Ciraldo, Chair

Barbara Schenkel

Peter Cotter

David Griffin

David Sherman

Jack Kennealy

Absent: Peter Hatem

Also present was Maureen O' Meara, Town Planner.

Mr. Ciraldo opened the meeting and asked for a motion for the previous month's minutes.

Mr. Griffin made a motion to accept the minutes. Mr. Sherman

seconded the motion and

passed 6 in favor, 0 opposed, 0 abstained.

Mr. Ciraldo reviewed the Agenda and correspondence.

OLD BUSINESS

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, Sec. 19- 8-3, Resource Protection Permit.

Stephen Blais, Pinkham and Greer, described changes from the prior submittal which included the wetland line changes determined from Woodlot Alternatives. He described the new building envelope on lot 1 and the fence that will be added to discourage people from entering the wetland. There was prior concern that a home would not be able to fit in the new building envelope of 54ft by 60ft, however he had pictures of a similar home built in South Portland by Mr. Cloutier within that same footprint. A purchase and sales agreement has been made for Mr. Frustaci's lot. He discussed the changes of culverts with Mr. Frustaci's lots and the culverts that would be taken out. The amount of wetlands disturbed would be less than what is needed for an Army Corps Permit. They did secure an easement from the Tomrose's and Mr. Cloutier has included an easement to the Town. A stop sign is now shown clearly on the plans, as well as foundation drains for lots 7 & 8. Inland Fish & Wildlife sent some correspondence stating that there isn't significant wildlife on the property. He stated they need to provide a more detailed cost estimate prior to construction and a file construction notice of intent. A permit by rule has been approved by the DEP, but they cannot construct a concrete weir by the Tomrose's property.

Mr. Ciraldo asked if the concrete weir was still shown in the plans.

Mr. Blais stated yes, however, since they had just received that information they were hoping it could be included in the conditions.

Mr. Sherman asked if the quantified wetlands are shown on the plans.

Mr. Blais stated no, and hoped that it would be incorporated in conditions and would be shown on the mylar.

Mrs. Schenkel asked about the house on lot 9 and if the building issues have been resolved.

Mr. Blais stated no, it has not been resolved yet, but will be addressed in a separate process.

Mr. Griffin made the following motion.

Motion for the Board to Consider

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Cloutier Construction for amendments to the previously approved Hamlin Street Subdivision and a Resource Protection Permit to reconfigure the road and lots into a 9-lot subdivision located at the end of Hamlin Street be approved, subject to the following conditions:

1. That the plans and other submission materials be revised per the Town Engineer's comments in his letter dated 8/10/04;
2. That a performance guarantee be posted in an amount approved by the Town Engineer, a form approved by the Town Attorney and all to be approved by the Town Manager;
3. That deeds for the road, drainage easements and evidence of purchase of the Frustaci lot be submitted in a form acceptable to the Town Attorney and signed by the applicant; and
4. That there be no alteration of the site, nor issuance of building permits until the above conditions have been met and the plan has been signed and recorded in the Cumberland County Registry of Deeds and all DEP permits have been issued.

The applicant will not be required to construct the weir to preserve the pond level if DEP will not issue a permit that includes construction of the weir.

Mr. Sherman seconded the motion.

Mrs. Schenkel asked about filling the wetland.

Mr. Sherman stated he thought it was quantified in accordance with the Town's Engineer.

Ms. O' Meara stated that there should be some condition of approval of an amount as described on the plans.

Mr. Ciraldo stated the motion would have to be amended. He said that the Board could allow the fill, require the fence, or not allow either one.

Mr. Griffin and Mrs. Schenkel stated they would prefer the fill.

Mr. Sherman agreed.

Mr. Griffin asked if this were to be motion number 5.

Ms. O'Meara stated that it would be prior to the last motion.

Mr. Griffin added the following motion.

5. That fill will be allowed on the wetland on lot #1 not to exceed 2,000 sq. ft.

Mr. Kennealy seconded the motion and passed 6 in favor, 0 opposed, 0 abstained.

Autumn Tides Subdivision - Request by Wyley Enterprises, LLC for Minor Subdivision Review, a Resource Protection Permit and a Private Accessway Permit for Autumn Tides, a 5 lot subdivision located off Wells Rd (R5-33), Sec. 16-2-3, Minor Subdivision Application Public Hearing, Sec. 19-8-3, Resource Protection Permit Public Hearing, and Sec. 19-7-9, Private Accessway Permit Public Hearing.

Owens McCullough, Sebago Technics, representing Wyley Enterprises, discussed the site walk that occurred. He reviewed the changes made, which include underground utilities, and the switch from septic to sewer. The project includes open space of approximately 1.45 acres. They have asked that the Planning Board make as a condition the revised sewer design as a condition of approval. They had received a memo at the start of the meeting to move the road 50 ft to accommodate the wetlands. He stated that this would interrupt traffic movement and should keep the intersection aligned. The project will also include street trees at 40ft intervals along road. He stated that there had been discussion about eliminating or changing trees to keep the view corridor, however, the trees provide shade along the road and defines entry. There is enough drop on the road that the view corridor should be preserved.

Mr. Ciraldo opened the Public Hearing. With no one coming forward, he closed the Public Hearing. He asked the Board for questions.

Mrs. Schenkel stated that some of the Board had met with Ms. O'Meara and walked the site that morning. She stated they had discussed having the last two lots at the end of the cul-de-sac to have 50 ft setbacks to preserve the view.

Mr. Sherman clarified that the 50' setback be applied to the western property line of lot 3 and the eastern property line of lot 4 to keep the view corridor.

Mr. McCullough stated that Mr. FitzPatrick is very conscious and he sites houses in a manner that will preserve a view corridor as much as possible. He turned the podium over to Mr. FitzPatrick.

Joel FitzPatrick, owner of the property, stated that lot #4 would not be an issue. Lot 3 would be an issue because the house would have to be moved down into the field. He stated he would look at changing the canopy maples to keep the view but would like a compromise for setbacks.

Mr. Kennealy asked about the impact of the setback for lot 3.

Mr. Fitzpatrick stated that it forces him to push the house down the field 75ft. and the trees will impede views more than anything else.

Mr. Ciraldo wanted to discuss the changes with the sewer.

Mr. McCullough stated that the site wasn't originally in the sewer service area. They knew that if they pursued public sewer they would have to put a pump station in with force mains. It was apparent that there was a desire to have sewer on the lots and it was determined to be feasible.

Mr. Ciraldo endorses the sewer due to the nature of the land.

Mr. Kennealy asked if the road could follow the existing gravel road to preserve wetlands and what if any safety impacts this would encompass. He did some internet research and found offset intersections had 43 fewer accidents than conventional intersections and some countries do not build cross sections at present because of safety. He believes an offset intersection would be safer.

Mr. McCullough stated he was not familiar with data-presented, but with his dealings with the DOT and traffic engineers any offset intersection needs to have a substantial distance separating intersections.

Mr. Griffin feels strongly about an offset as he grew up in a neighborhood with a cross section with several accidents and 3 deaths.

Mr. Sherman will not recommend deviating from what the Town Engineer and the Public Works Director have recommended and is in favor of the plan as proposed.

Mr. Ciraldo contends that the closer the two roads are to each other, the more potential there is for traffic safety issues. He believes the Traffic Engineer had this addressed when applying it to the town's ordinance.

Ms. O'Meara gave an example of the Scott Dyer, Shore Road and Rte. 77 intersection and the difficulties that exist there. The Town has typically required that roads be constructed across the street from each other, such as the Whaleback Ridge Road being placed across from Trundy Road.

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

Motion for the Board to Consider

Findings of Fact

1. Wyley Enterprises LLC is requesting Minor Subdivision Review, a Resource Protection Permit and a Private Accessway Permit for Autumn Tides, a 5-lot subdivision proposed off Wells Rd (R5-33), which requires review for compliance with Sec. 16-2-3, Minor Subdivision Review, Sec. 19-8-3, Resource Protection Permit, and Sec. 19-7-9, Private Accessway Permit.

2. The Town Engineer has recommended technical changes to the plans to bring them into compliance with town design standards.

3. The project will include public improvements for which a performance guarantee should be provided.

4. The Town Council has voted to expand the sewer service area to include this lot.

5. The view from Wells Road to the Spurwink Marsh is the number one priority view and the Visual Assessment Report in accordance with Sec. 16-3-1(p), structures should be prohibited from obstructing the scenic vista to the scenic marsh.

6. The plans substantially comply with the Subdivision Ordinance, Resource Protection Permit Standards and Private Accessway Permit Standards.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Wyley Enterprises LLC for Minor Subdivision Review, a Resource Protection Permit and a Private Accessway Permit for Autumn Tides, a 5-lot subdivision located off Wells Rd (R5-33) across from Cross Hill Rd be approved, subject to the following conditions:

1. That the plans be revised per the Town Engineer's comments in his letter dated 8/9/04;

2. That a performance guarantee be posted in an amount approved by the Town Engineer, a form approved by the Town Attorney and all to be approved by the Town Manager;

3. That plans showing public sewer connection for all lots be submitted and approved by the Town Engineer and the Public Works Director;

4. That the deeds be reviewed and approved by the Town Attorney; and

5. That the building envelope be set back 50 ft from the eastern property line of lot 4 to protect the view corridor visible from the cul-de-sac to the Spurwink Marsh. Within the view corridor; driveways and structures, such as but not limited to decorative rock walls that do not exceed 3 ft in height in grade would be allowed. Landscaping that would exceed 3 ft in height would not be permitted.

6. That there be no alteration of the site, nor issuance of building permits until the above conditions have been met and the plan has been signed and recorded in the Cumberland County Registry of Deeds.

Mrs. Schenkel seconded the motion and passed 6 in favor. 0 opposed. 0 abstained.

Cape Elizabeth Family Medicine Addition - Dr. Craig Johnson would like to request Site Plan Review of a 1,400 sq. ft. addition to the existing medical building located at 1226 Shore Rd (UI 1-14), Sec. 19-9, Site Plan Completeness.

Mark Wilcox, representing Dr. Johnson, addressed changes made which include the addition of landscaping along the east property line of the parcel to include different species of hemlock trees. They will also be removing existing hemlock trees and fence at the back of parking lot. There is a slight expansion of the parking lot as a garage has been moved and realigned. The parking garage has been sited so it does not intrude upon a silt basin for the drainage culverts. The design of the garage has been changed to a basic two story, two-car garage with a separate trash room. Further detail of the sewage pumping station has also been added to the plan.

Mr. Ciraldo asked Mr. Wilcox to address the issues that made the application incomplete from the prior meeting.

Mr. Wilcox stated that they have submitted a statement of professional and technical ability, a statement of intention trash storage, financial statement, further clarification on exterior lighting fixtures, and a silt fence 8ft away from the garage.

Mr. Ciraldo reminded the Board they were looking for completeness.

Mrs. Schenkel 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 Dr. Craig Johnson to construct a 1,543 sq. ft. addition to the existing medical office building and two-car garage located at 1226 Shore Rd be deemed complete.

Mr. Sherman seconded the motion and passed 6 in favor, 0 opposed. 0 abstained.

Mr. Ciraldo stated there needs to be discussion on a Site Walk and a Public Hearing in which he is in favor of both. There was agreement for both.

Mr. Kennealy asked that since there was a letter from the Rand's concerning the buffering and the Code Enforcement Officer has sited the applicant for violation of the buffering, he would like to see something put in place prior to the next meeting.

Mr. Wilcox stated the applicant would like to consider this if it is possible.

Mr. Ciraldo stated that the prior approval had prohibited taking out vegetation in that particular area unless it met certain conditions. Vegetation was taken out that did not meet those conditions and was in violation of the plan. The Board could ask that the violations be addressed now. The applicant could address violations now and the Board can review the new application while this is being done.

Mr. Wilcox asked for clarification on exactly what the Board is requesting for replacement.

Mr. Ciraldo stated that if the landscaping buffer that is proposed could be accelerated to accommodate the neighbors.

Mr. Wilcox wanted to discuss the unreliable supply of Canadian Hemlock due to an insect infestation. He would like to know if the applicant could substitute spruce and/or fir trees as an equivalent.

Mr. Griffin made the following motion.

BE IT FURTHER ORDERED that the above application be tabled to the regular September 21, 2004 meeting of the Planning Board, at which time a public hearing shall be held. .

NEW BUSINESS

Blueberry Ridge Subdivision Amendments - Joe Frustaci is requesting amendments to the previously approved 19-lot Blueberry Ridge Subdivision, located off Mitchell Rd (U34-17), to address the recent court decision, revise buffers and reduce the road width. Sec. 16-2-5, Amendment to Previously Approved subdivisions.

Mr. Kennealy noted that he was not on the Board during the original review of the project. He was on the Zoning Board, however, and this project came before the Zoning Board. He has reviewed the information and feels comfortable participating.

Mr. Ciraldo stated that since there had been a court decision recently, he would like Mr. Parkinson, the Town's legal representation, to discuss what has happened and what their options are.

Mr. Parkinson gave an overview of the court proceedings as pertains to the lawsuit. He stated that setbacks in the Ordinance

have been changed to allow this development. He gave highlights from the court's decision.

1. On remand, the Board must make findings pursuant to 19-7-2(d) of the Open Space Zoning.
2. There must be a waiver pursuant to standards set forth in 16-3-5, in the Ordinance.

Mr. Parkinson wanted to emphasize that the Maine Supreme Court is putting emphasis on findings of fact and that when voting the Board should vote on all standards individually.

Mr. Ciraldo stated he would like to here from the applicant and then make a determination if a Public Hearing is necessary.

Mr. Jim Haddow, Attorney for Mr. Frustaci, wanted to highlight new setback requirements in the ordinance that state that the front yard setback needs to be at least 20ft. The amendment to the Ordinance requires a minimum 5ft side and rear yard setbacks and that this subdivision more than satisfies that. He stated that the road pavement has also been amended from 24ft to 22 ft., which has been changed on the plan. In respect to buffering, Mr. Frustaci has submitted a plan that shows a combination of limited clearing, 10ft buffer plantings, and only where an abutter has requested in writing, there are fences to be placed.

Mr. Tom Emery, Land Use Consultants, pointed out specifics of where the abutters had expressed preference of fencing and where there would be vegetative buffers. They are proposing street trees along the entire development, protecting existing wood and wetland areas, adding a boardwalk, and providing two easements. There were some changes to culverts due to the narrowing of the roadway. There was the issue that the Town Engineer raised in respect to the Canadian Hemlock. He prefers these due to their form, rapid growth and ability to do well in partial shade. He would suggest, in the event of infestation, the substitution to be cedar and/or arborvitaes.

Mr. Ciraldo stated that there should be a determination of a Public Hearing or if they want to vote on approval that evening. He stated that this has come down to buffers. People have been very active in this application and he would feel more comfortable in having a Public Hearing.

Mrs. Schenkel stated that if there were a Public Hearing, she would suggest it cover buffering.

Mr. Sherman stated he is not in favor of a hearing as they have heard numerous times from the abutters. There isn't any new information that would have an impact on the decision of this application.

Mr. Griffin concurred and the abutters have voiced their opinion

of preference for buffering.

Mr. Cotter stated that he believed they have received the necessary information from the abutters and would be comfortable on voting on the application that evening.

Mr. Kennealy concurred with the majority in moving forward with the application.

Mr. Ciraldo asked about the requirements when the Board votes on the findings.

Mr. Parkinson stated that there are 4 points that need to be voted on individually in the Findings of Fact under sec. 16-3-1(c) and discussed the manner of voting.

Mrs. Schenkel made the following Findings of Fact motion for the Board to consider.

Findings of Fact

1. Joseph Frustaci is requesting amendments to the previously approved Blueberry Ridge Subdivision, located off Mitchell Rd, to address changes required by a recent court decision and to reduce the road width.

Mr. Kennealy seconded the motion. The motion passed 6-0.

Mr. Ciraldo asked if there were to be any discussion on the specific Findings of Fact. Hearing none, he asked Mrs. Schenkel to continue.

2. The Law Court has remanded the subdivision approval back to the Cape Elizabeth Planning Board to properly apply the building envelope setback required in Sec. 19-7-2, Open Space Zoning, and the buffering standard required in Sec. 16-3-1 (c) of the Subdivision Ordinance.

Mr. Cotter seconded the motion. The motion passed 6-0.

Mr. Ciraldo asked for any discussion. Hearing none, he asked Mrs. Schenkel to continue.

3. Ordinance amendments effective December 10, 2003 have revised the building envelope setback to read "The bounds of a building envelope shall be at least twenty (20) feet from the right-of-way of the road serving the lot, and at least five (5) feet from any side or rear lot line." The building envelopes in the Blueberry Ridge Subdivision meet these setback requirements.

Mr. Kennealy seconded the motion.

Mr. Ciraldo stated that they've had the discussion about the change in the Ordinance and that it meets the requirement. The motion passed 6-0.

4. The applicant has added a 10' wide vegetative buffer strip and additional planting along the perimeter of the subdivision, except where the abutters have indicated that they would prefer a fence. With respect only to those areas where abutters have specifically requested, in writing, that fencing be substituted for a vegetative buffer, strict compliance with the requirement that " plants or other types of vegetative cover shall be preserved or placed.. - around the border of the proposed subdivision to provide for an adequate buffer..." may cause restriction upon imaginative and otherwise desirable design. Where the fencing is proposed, the Planning Board waives, as provided for in Sec. 16-3-5 of the Subdivision Ordinance, the requirement of Sec. 16-3-1(c) in favor of fencing and finds that the substitution of fencing in lieu of plantings:

- a. will not create more hazardous traffic conditions or less sanitary sewage disposal conditions than strict compliance;
- b. will provide more varied and imaginative subdivision layout and design;
- c. will secure substantially the standards of road design and construction required by this Chapter and the Zoning Ordinance; and
- d. will not have the effect of nullifying the intent and objectives of the Comprehensive Plan or this Chapter.

Mr. Griffin seconded the motion

Mr. Kennealy asked if they should be voting on the articles independently.

Mr. Cirado said it was one Finding of Fact and could be voted as one.

Mr. Ciraldo stated he normally would not like conditions based on what a specific abutter may or may not want as they may not be the abutter in 3-5 years. In this particular case, he finds it appropriate because, if at this time the abutter would prefer the fence, the burden and cost is falling on the developer.

Mr. Griffin stated that in addition the applicant has exhibited an extreme effort to make this work.

Mr. Kennealy wanted to know if Mr. Parkinson had any issues with voting on this as one finding of fact or to vote on every article.

Mr. Parkinson was fine with the one vote.

The motion passed 6-0.

5. The amendments to the Subdivision Ordinance effective 12/10/03 reduced the minimum width of a dead-end road from

24' to 22'.

Mr. Griffin seconded the motion.

Mr. Ciraldo stated that this was the reduction of the width of the road and asked all in favor. The motion passed 6-0.

6. The building lots or building locations are laid out in manner that preserves or allows the establishment of a vegetated buffer to serve as an effective visual screen from adjacent properties, and such a buffer has been preserved or will be established, except where owners of adjacent properties have expressly requested, and this Board has approved, the substitution of fencing for a vegetated buffer(See Ordinance Section 16-3-19)) pursuant to Ordinance Section 16-3-5.

Mr. Kennealy seconded the motion.

Mr. Ciraldo stated the issue of the buffer had been discussed extensively and asked all in favor. The motion passed 6-0.

7. The building lots or building locations are laid out in a manner that maximizes the amount of contiguous, usable area for woodlot production and outdoor recreation included as part of the required open space.

Mr. Griffin seconded the motion.

Mr. Ciraldo asked for any discussion. Asked all in favor. The motion passed 6-0.

8. The building lots or building locations are laid out in a manner that permits each house lot access to the open space without having to cross another's house lot.

Mr. Griffin seconded the motion.

Mr. Ciraldo stated this was self-evident and asked all in favor. The motion passed 6-0.

9. The subdivision substantially complies with the standards of the Subdivision Ordinance.

Mr. Sherman seconded the motion.

Mr. Ciraldo asked if there were any discussion. He stated that they had gone through the requirements and is comfortable that it meets the requirements. The motion passed 6-0.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Joseph Frustaci for amendments to the previously approved Blueberry Ridge Subdivision, located off Mitchell Rd, be approved, subject to the following condition:

1. That all of the conditions placed on the April 22, 2002 approval are still in full force and effect.

Mr. Sherman seconded the motion.

Mr. Ciraldo asked if there was any final discussion. The motion was approved 6-0.

Murray Private Road Review - Stephen Murray is requesting review of a Private road under the Subdivision Ordinance and consistent with Sec. 19-7-9(B) to create frontage for 2 lots located off Fowler Rd(U20-1 1-1/6), Sec. 16-3-2,

Subdivision Road Design and Construction Standards.

Mr. Griffin asked to be recused from the project.

John Mitchell, Mitchell & Associates, described existing conditions of the property. There are 4.6 acres in the RA District and consist of two parcels. Parcel "A" is the subject property in which Mr. Murray wants to build a residence for himself. Mr. Murray also owns parcel "B". He described the slopes and drainage swails on properties. The soils have been determined as Scarborough soils in the RP1 wetland and Naumberg soils in the RP2 wetland. There is an 8-inch public water main on Fowler Road. There isn't any sewer available and there is overhead electrical and cable connections. The proposal consists of a private road to provide access to parcel "A" with 160 ft length, 18 ft wide paved section and transition to a 14 ft wide gravel road with hammerhead turnaround, which has been approved by Chief McGouldrick. They have tried to minimize any wetland impact with the design of the hammerhead turnaround and grading. There is a drainage report included with submission. He wanted to address the completeness checklist. A name for the road had been picked out but was denied by Public Safety. A new name will be chosen. The lot lines for parcel "B" are now shown. The Resource Protection permit had been inadvertently not checked off, fee has been paid. The wetland delineation report was just received and will be included in the next submission. Mr. Ciraldo reminded the Board they were deciding completeness and asked for a motion.

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 Stephen Murray for a Private Road and a Resource Protection Permit to create road frontage for 2 lots located off Fowler Rd (U20-11-1/6) be deemed complete.

Mrs. Schenkel seconded the motion and passed 5 in favor. 0 opposed. 1 abstained.

BE IT FURTHER ORDERED that the above application be

tabled to the regular September 21, 2004 meeting of the Planning Board, at which time a public hearing shall be held.

Mr. Kennealy seconded the motion and passed 5 in favor. 0 opposed. 1 abstained.

OTHER BUSINESS

BA District Zoning Amendment - FitzPatrick Associates is requesting an amendment to Zoning Ordinance Sec. 19-6-5, BA District, to clarify the status of multi-family units in the BA District, Sec. 19-10-3, Zoning Ordinance Amendments

Mr. Sherman made the following motion.

BE IT ORDERED that, the Planning Board tables the BA Zoning District amendments to the regular September 21, 2004 meeting of the Planning Board, at which time a public hearing shall be held in accordance with Sec. 19-10-3, Amendments.

Mrs. Schenkel seconded the motion. The motion passed 6-0.

BB District Zoning Amendment - The Murray Family is requesting amendments to Zoning Ordinance Sec. 19-6-6, BB District, and a Zoning Map amendment to permit moving the contracting office located on Shore Rd to the Murray Pit located at 31 Fowler Rd, Sec. 19-10-3, Zoning Ordinance Amendments.

Mr. Ciraldo reminded the Board that there has been further clarification of some of the definitions and setbacks.

Mrs. Schenkel asked if the text should be changed to 20 acres, as that is what she had from her notes.

Ms. O'Meara acknowledged change to text.

Mr. Kennealy made the following motion.

BE IT ORDERED that, the Planning Board tables the BB Zoning District amendments and BB Zoning Map Amendment to the regular September 21, 2004 meeting of the Planning Board, at which time a public hearing shall be held in accordance with Sec. 19- 10-3, Amendments.

Mr. Griffin seconded the motion. The motion passed 6-0.

Mrs. Schenkel made a motion to adjourn.

Mr. Kennealy seconded the motion. The motion passed 6-0.

Meeting adjourned at 10:05p.m.

Respectfully submitted,

Laurie Palanza

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