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Draft Minutes ([February 15, 2005](#))

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## AGENDA

### TOWN OF CAPE ELIZABETH

#### PLANNING BOARD AGENDA

March 15, 2005 7:00 p.m. Town Hall

#### CALL TO ORDER

7:00 Minutes of previous meeting: February 15, 2005

#### Correspondence:

- Letter from J. Staples re: Bigelow Rd PAW
- Memo from Public Works Director re: Bigelow Way
- Letter from G. Schmader re: FitzPatrick multi-use building
- Letter from Mr. and Mrs. Best re: FitzPatrick multi-use building

#### CONSENT AGENDA

1. Blueberry Ridge Lot 7 Subdivision Amendment - Deb and Steve Richio are requesting an amendment to the previously approved Blueberry Ridge Subdivision to increase the size of the building envelope for lot 7 (U34-17-7), Sec. 16-2-5, Amendments to Previously Approved Subdivisions.

#### OLD BUSINESS

7:10 Bigelow Way Private Accessway Permit - Graham Pillsbury is requesting a Private Accessway Permit to construct a driveway to access a lot located off Katahdin Rd, (U12-5C), Sec. 18-7-9, Private Accessway Permit Public Hearing.

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The Cape Elizabeth Planning Board will hold a workshop on Tuesday, March 15, 2005, in the Jordan Conference Room of the Town Hall, beginning immediately after the regular Planning Board meeting, which begins at 7:00 p.m.

## AGENDA

1. FitzPatrick Multi-use Building - Joel FitzPatrick would like to discuss a proposed office/residential building to be constructed at

517 Ocean House Rd (U18-13).

2. Poole Private Rd Review. The Poole Family would like to discuss the upgrade of the Private Accessway on their family land to a Private Rd, located off Old Ocean House Rd and Old Mill Rd (R2-14).

4. Comprehensive Plan Designees - The Town Council has authorized the creation of a Comprehensive Plan Committee to prepare a new comprehensive plan for the town. The Planning Board has been requested to designate, by April 30th, two Planning Board members to sit on the committee.

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### **Workshop April 5, 2005**

The Cape Elizabeth Planning Board will hold a Training workshop on Tuesday, April 5, 2005, beginning at 7:00 p.m., in the William H. Jordan Conference Room of the Town Hall. Before beginning the training portion of the workshop, however, the Planning Board will briefly discuss an item carried over from last month's workshop.

#### **AGENDA**

7:00 1. Poole Private Rd Review. The Poole Family would like to continue to discuss the upgrade of the existing private accessway to a private rd (R2-14), located off Old Ocean House Rd and Old Mill Rd.

7:15 2. Training Session. The Planning Board will receive information and discuss the following issues:

- Comprehensive Planning and the new plan
- Current wetlands regulations
- Ex Parte Communications

The Conservation Commission has been invited to join this workshop. Pizza will be served.

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### **DRAFT MINUTES**

#### **TOWN OF CAPE ELIZABETH MINUTES OF THE PLANNING BOARD**

February 15, 2005 7:00 pm Town Hall

Present: David Sherman, Chair Absent: John Ciraldo

David Griffin  
Barbara Schenkel  
Paul Godfrey  
Jack Kennealy  
Peter Hatem

Also present was Maureen O'Meara, Town Planner.

Mr. Sherman opened the meeting and asked for comments on the January minutes. With corrections noted, he asked for a motion.

Mr. Griffin made a motion to accept amended minutes. Mrs. Schenkel seconded the motion. The motion carried 6 in favor, 0 opposed.

Mr. Sherman reviewed correspondence and the agenda for the evening. He wished a speedy recovery to Mr. Ciraldo and his family.

#### OLD BUSINESS

Grover Rd Subdivision Amendments and Private Accessway Permit - Leland P. Murray, III and Stephen Murray are requesting amendments to the previously approved Grover Rd Subdivision to reconfigure existing lots, build a public road and construct a private accessway for lot 1, all located at the end of Grover Rd (U20-7), Sec. 16-2-5, Amendments to Previously Approved Subdivision, and Sec. 19-7-9, Private Accessway Permit.

Mr. Griffin recused himself.

John Mitchell, Mitchell & Associates, representing the Skip and Steve Murray gave an overview of the application. Lot 11 will have an easement to accommodate a hammerhead turnaround, and on the east side of Grover Rd the applicants are proposing 2 lots instead of 3. Revisions address all of the staff and engineering comments received, the majority being minor in nature. The major addition would be the inclusion of all easements that have been reviewed and approved by the Town Attorney. The pedestrian trail will have bituminous concrete where there is a very steep slope and the remainder will be constructed with stone dust material. They have labeled catch basins and stubs and the applicant has agreed to all four conditions that the Town Planner had requested.

Mr. Godfrey asked if access to lot 11 would be through the hammerhead.

Mr. Mitchell stated that it would, and there is a note stating that access would be prohibited off the northerly side, which was requested by the Public Works Director.

Mr. Godfrey asked Ms. O'Meara if driveways are typical off of hammerhead turnarounds.

Ms. O'Meara stated that access off of driveways are typically not allowed, however, the Public Works Director authorizes street opening permits. In the past when people have asked for access through a hammerhead off the "right" side, he will issue a street opening permit if the access would not impede snowplowing.

Mr. Sherman asked the Board if there were any other questions.

Hearing none, he asked for a motion.

Mrs. Schenkel made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Leland and Steve Murray for amendments to the previously approved Grover Rd Subdivision to reconfigure existing lots, build a public road and construct a Private Accessway for lot 11, all located at the end of Grover Rd (U20-7) be approved, subject to the following conditions:

1. That the trees to be preserved on the south side of Grover Rd and a tree preservation plan that includes installation of barrier at the dripline of the trees be added to the plans;
2. That the road and drainage easement deeds be submitted in a form acceptable to the Town Attorney and the Town Manager;
3. That the pathway extending from the end of Grover Rd be surfaced in a manner that will withstand erosion on steep slopes; and
4. That a performance guarantee be submitted in a form acceptable to the Town Attorney, in an amount acceptable to the Town Engineer, all acceptable to the Town Manager prior to the issuance of a building permit and/or any alteration of the site.

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

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Higgins Resource Protection Permit - Thomas and Susan Conley Higgins are requesting a Resource Protection Permit to construct a driveway over an RP2 wetland on a lot located adjacent to 1084 Sawyer Rd (R4-49C), Sec. 19-8-3, Resource Protection Permit Public Hearing.

Albert Frick, Frick & Associates, is representing the applicants. They are proposing an 850 sq. ft. of impact on wetlands. The Town Engineer requested a 10' paved apron onto Sawyer Road, a temporary stabilization construction entrance, and 30' x 30' drainage easement around the culvert for the Town to maintain. Silt fencing has been modified on the site plan; and specified culvert size and DOT road specifications have been added.

Mr. Sherman opened the Public Hearing. With no one coming forth, he closed the Public Hearing. He asked the Board if there were any questions.

Ms. O'Meara noted that under the proposed motion, conditions 1 and 3 were the same. She asked that 3 be eliminated. She stated under condition 1 that there is an easement location, however, a deed has yet to be submitted so that condition should be placed in the approval motion. She also stated that paving should be from the edge of Sawyer Rd. Condition 4 notes what can happen outside the building envelope. The building envelope shown would actually limit any alteration of the physical land area to the building envelope.

Mr. Sherman asked if these conditions were acceptable to the

applicant.

Mr. Frick stated they were acceptable.

Mr. Griffin asked about two pumps into the disposal area.

Mr. Frick stated that the extra pump was needed for a separated laundry system.

Mr. Hatem made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Thomas Higgins and Susanne Higgins Conley for a Resource Protection Permit to construct a driveway over a wetland located on a lot west of 1084 Sawyer Rd be approved, subject to the following conditions:

1. That an easement be provided for the existing culvert draining from Sawyer Rd in a form acceptable to the Town Attorney and the Town Manager;

2. That the paved entrance of the driveway extend from the edge of Sawyer Rd;

3. That an easement be provided to the Town for the existing culvert that drains on the property from Sawyer Rd;

4. That a note be added to the plans stating that activities allowed outside the building envelope are installation of driveways and utilities; and

5. That there be no issuance of a building permit nor alteration of the site until the plans have been revised to reflect the above conditions.

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

#### NEW BUSINESS

BigelowWay Private Accessway Permit - Graham Pillsbury is requesting a Private Accessway Permit to construct a driveway to access a lot located off Katahdin Rd, (U12-5C), Sec. 18-7-9, Private Accessway Permit Completeness.

John Mitchell, Mitchell & Associates, represented the applicant.

The proposal is to construct a driveway within an approved paper street right of way. The property is 18,576 sq. ft. and does not have frontage on an approved town road. The private accessway with hammerhead turnaround has been designed to Town standards. There will be an extension of the 4" public water line and 4" sewer line to the property as well as underground electric and cable from an existing utility pole off of Katahdin Road.

Measures have been taken to enhance the drainage swale to capture runoff and drain to the existing stormwater system.

Another measure is to grade runoff to southerly side of roadway to an area which has been enlarged to detain the water from a 10-25yr storm. This is designed to serve on single family lot and if future development were to occur, the responsibility for upgrading to a private road would fall on the developer.

Mr. Sherman stated the Board would determine completeness.

Mr. Griffin made the following motion.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Graham Pillsbury for a Private Accessway Permit to construct a driveway to access a lot located off Katahdin Rd (U12-5C) be deemed complete.

Mrs. Schenkel seconded the motion and carried 6 in favor, 0 opposed.

The Board determined a public hearing and site walk would be necessary. A site walk was scheduled for March 5th at 8:00 a.m. and the public hearing on March 15th.

Mr. Hatem made the following motion.

BE IT FURTHER ORDERED that the above application be tabled to the regular March 15, 2005 meeting of the Planning Board, at which time a public hearing shall be held.

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

Mr. Griffin made a motion to adjourn.

Mr. Godfrey seconded and carried 6 in favor, 0 opposed.

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Laurie Palanza Minutes Secretary

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