

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

April 23, 2012

7:00 p.m. Town Hall

Present: Elaine Falender, Chair
Josef Chalot
Peter Curry
Carol Ann Jordan
Henry Steinberg
Victoria Volent

Also present was Maureen O'Meara, Town Planner.

Ms. Falender opened the meeting. The minutes of the January 17, 2012 meeting were approved as presented, 6-1 (one abstain). The minutes of the March 20, 2012 meeting were approved without change, 7-0.

NEW BUSINESS

Old Sea Point Rd Subdivision Amendment - Elaine Zavodni-Sjoquist is requesting an amendment to the previously approved Old Sea Point Rd Subdivision to add a lot at the end of Old Sea Point Rd, Sec. 16-2-5, Subdivision Amendment.

Terry DeWan of Terry DeWan Associates made the presentation for the applicant. He said they have been before the Board twice and they have taken the advice of the Board in those previous meetings. The original subdivision was approved in 1990 and amended in 2001 and 2007. The last update had conditions to upgrade the road, and they are doing that. They will reconstruct the road from Ocean House Road and improve the culverts, gravel shoulders and will have an 18 ft. drivable surface. They plan to begin the road work in a couple of weeks. They will have an escrow with the Town.

The current plan is to take the 8.79 acre lot and divide off one lot of approximately 2.32 acres. They are considering making revisions to the current plan, especially as to the alignment of the road. They are thinking that they may subdivide the remaining land, and another adjoining parcel in the future, and they want to preserve their access to do that. There is a potential of 5 or so lots for the future.

Ms. Falender opened the comments to the Board on the issue of completeness. No one offered to make any comment or ask any questions.

The public comment period on completeness was opened the public comment. No one came forth, so the public comment period was closed.

Ms. Quinn made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Elaine Zavodni-Sjoquist for an amendment to the previously approved and amended Old Sea Point Rd subdivision to add a lot at the end of Old Sea Point Rd be deemed complete.

Mr. Chalot seconded the motion.

Ms. Jordan raised the question of the items such as the title block, and was assured by Mr. DeWan that those items are taken care of.

The Board approved the motion, 7-0.

Mr. Curry had questions about the road construction and the performance guarantee.

Ms. O'Meara replied that the final numbers are not in place yet, but they are well on their way to finalizing those figures.

Mr. Curry asked if the road will be completed for its entire distance.

Mr. DeWan replied that it will be the entire road.

Mr. Steinberg was concerned to be sure that the maintenance agreement will cover all the additional lots.

Ms. O'Meara suggested that they may want to amend the agreement now to encompass all the possible new lots.

Ms. Falender said they have to amend the agreement to add this other lot. The Board will need to see the new maintenance agreement.

Ms. Volent had some suggestions and questions about incorporating the 2007 plan. She wants to be sure what items from the 2007 plan will be carried forward as notes on this new plan.

Ms. O'Meara said she will work with the applicant to make sure the notes reflect the current conditions.

Ms. Falender requested that they place a lot number on the parcel now labeled remaining land.

Ms. Jordan asked about the Open Space Impact Fee.

Mr. DeWan said the fee will be paid.

Ms. Falender opened the public comment period on the substance of the application. No one came forward to speak, so the public comment period was closed.

After a discussion that centered on the location of the road to the future lots, the Board decided to have a site walk on Friday, March 27, 2012 at 4:00 pm.

Mr. Curry made the following motion:

BE IT ORDERED that the above application be tabled to the regular May 15, 2012 meeting of the Planning Board, at which time a public hearing will be held.

Mr. Chalot seconded the motion and it passed, 7-0.

Cape Memory Care Adult Day Care Amendment - Lon Walters, of Cape Memory Care located at 126 Scott Dyer Rd, is requesting an amendment to the previously approved Site Plan and a Conditional Use Permit to add adult day care for up to 6 people to the existing facility, Sec. 19-9, Site Plan Regulations, and Sec. 19-5-5, Conditional Use Permits.

Briannne Johnston, Administrative Assistant at Cape Memory Care, spoke on behalf of the application. She said there would be no more than 6 people in adult day care. They are designating one room out of their 72 rooms to this purpose. There will be recliners for resting. They will be integrated into the daily program, which will include daily care, showers, medication administration, activities and all meals. The program will be 7 days a week from 7:00 am. to 7:00 pm. There will be no change to the structure of the building. No additional employees will be added.

Ms. Falender asked if there will be a bed in the room?

Ms. O'Meara suggested that they amend the prior approval to reflect the change in the number of beds.

Ms. Johnston said there will not be a bed in the day care room. The point of the program is to keep the clients active. Their license is in process.

Mr. Steinberg asked about the regulations as to square footage required per person.

Ms. Johnston said the state did approve them for 6 people, and there is an activities room.

Ms. Jordan made the following motion:

Motion for Waiver

BE IT ORDERED that, based on the facts presented, the information previously submitted as part of the Site Plan approval, and the absence of any exterior alterations to the proposed site, the Planning Board finds that sufficient information has been presented by the applicant and grants a waiver pursuant to

section 19-5-5-C of any additional information to the Cape Memory Care Adult Day Care Site Plan Amendment application Conditional Use Permit.

Ms. Quinn seconded the motion and it was approved, 7-0.

Since there were no members of the public present other than the applicant, there was no public comment period.

Ms. Jordan made the following motion:

FINDINGS OF FACT

1. Lon Walters, on behalf of Cape Memory Care located at 126 Scott Dyer Rd, is requesting an amendment to the previously approved site plan and a Conditional Use Permit to operate an Adult Day Care for up to 6 persons, which requires review under Sec. 19-9, Site Plan Regulations, and Sec. 19-5-5, Conditional Use Permit.
2. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-5-5, Conditional Use Standards.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Lon Walters, of Cape Memory Care located at 126 Scott Dyer Rd, for amendments to the previously approved Site Plan and a Conditional Use Permit be approved, subject to the following condition:

1. That the site plan approval for Cape Memory Care be amended to reduce the eldercare facility size from 72 to 71 beds for as long as the adult day care program is in operation.

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

The Board voted unanimously to adjourn at 7:50 pm.

Respectfully submitted,

Hiromi Dolliver
Minutes Secretary