

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

October 16, 2012

7:00 p.m. Town Hall

Present:	Elaine Falender, Chair	Liza Quinn
	Josef Chalot	Henry Steinberg
	Carol Ann Jordan	Victoria Volent

Absent: Peter Curry

Also present was Maureen O'Meara, Town Planner.

Ms. Falender opened the meeting and called for the approval of the June 19, 2012 minutes. The minutes were approved as submitted, 6-0.

CONSENT AGENDA

**Golden Ridge Subdivision Approval Extension Request** - Golden Ridge Lane LLC is requesting a 90 day extension of the approval granted on June 19, 2012, Sec. 16-2-3(c).

Ms. Falender reminded the Board that any discussion of the item would move it into the regular agenda.

Since there were no questions or comments from the Board, Mr. Steinberg made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the request of Golden Ridge Lane LLC for a 90 day extension of the subdivision approval for the Golden Ridge Subdivision located at the end of Golden Ridge Lane is granted with a new expiration date of January 14, 2013.

Ms. Jordan seconded and the motion passed, 6-0.

NEW BUSINESS

**Rudy's Site Plan Amendment** - 517 Ocean House Rd LLC is requesting an amendment to the previously approved site plan to add a basement and convert second floor storage space to an apartment, Sec. 19-9-6, Site Plan Amendments.

Patrick Carroll of Carroll Associates represented Paul Woods and 517 Ocean House Road LLC. He said they received site plan approval in December. They have been refining the plans since that time, and now want to make some changes. They want to add a basement for storage and have an apartment on the second floor. They will have an 80 seat restaurant with a small 1 bedroom apartment on the second floor.

The footprint will remain the same, but they had to raise the grades by 1 foot, but it does not encroach beyond what was originally approved. The access for the basement storage area is a stairway and the apartment access will be a stairway above that. The parking will remain the same, and the apartment would have a shared use with the restaurant. The landscape plan was modified slightly to accommodate a ramp which was needed when they raised the grade.

He showed floor plans and said no change in the footprint is proposed.

He also talked about the 1 year extension request. He said the current approval expires in December and Mr. Woods plans to begin with a demolition permit in November and they are concerned about the possibility of bad weather.

Mr. Steinberg asked about the water table in that location and where is it in relation to the basement.

Mr. Carroll replied that he is not sure where it is. He said Skip Murray is the contractor for the excavation and Mr. Murray is confident that a basement can be put there. Mr. Carroll said they will have drains in the basement.

Mr. Chalot asked if the other building will have a basement.

Mr. Carroll replied that the other building is Phase 2 and has not yet been designed.

Ms. Quinn asked for comment about the Town Engineer's letter.

Mr. Carroll replied that they are working to fix their plan in accordance with his letter.

Ms. Falender asked if there is any other exterior change.

Mr. Carroll said there is no substantial change.

Ms. Falender opened the public comment period. No one came forward, so the public comment period was closed.

Ms. Volent pointed out some corrections that need to be made to the plans to meet the conditions in the original approval.

Ms. Falender asked about having a designated parking space for the apartment.

After a brief discussion, it was decided to leave the parking as shared between the restaurant and the apartment.

Ms. Quinn made the following motion:

The Planning Board granted the following approval at the December 20, 2011 meeting:

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of 517 Ocean House Rd LLC for Site Plan Review and a Resource Protection Permit to construct an 80-seat restaurant and second 1,240 sq. ft. retail building, including 2,502 sq. ft. of wetland alteration to construct a sidewalk, in the Business A District located at 517 Ocean House Rd be approved, subject to the following conditions:

The main building was proposed for construction on a slab. Second floor space was designated as storage. The applicant is now proposing to construct a basement for the building and to use the second floor space as an apartment. No footprint changes are proposed. The basement will raise the building 1', resulting in adjustments to the site grading. The new grading will not change the grades at the property line that were originally approved.

Site plan approval is valid for one year and will expire this December. The applicant is also requesting a 1 year extension of the site plan approval.

#### Motion for the Board to Consider

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of 517 Ocean House Rd LLC for an amendment to the previously approved Rudy's of the Cape Site Plan to add a basement, change the use of the second floor from storage to an apartment and related grade changes, and an extension of one year of the original approval plus amendments for a new expiration date of October 16, 2013, be approved, subject to the following conditions:

1. That the plans be revised per the Town Engineer's comments dated October 10, 2012; and
2. That the conditions of the original approval are still applicable.

Ms. Jordan seconded the motion and it was approved, 6-0.

**Fort Williams Park Site Improvements 2012** - The Town of Cape Elizabeth is requesting review of four areas of site improvements implementing the master plan, specifically expansion of Ship Cove Parking, upgrade of the Ship Cove Picnic Area Slab, Vehicular improvements at the intersection of Ocean Rd and Wheatly Rd, and Vehicular and Pedestrian improvements at the intersection of Powers Rd and Ship Cove Parking lot entrance drive and Ocean Rd, Sec. 19-9, Site Plan Review Completeness.

John Mitchell of Mitchell and Associates represented the Town of Cape Elizabeth. He said the recently approved Fort Williams Master Plan update has 10 priority items. The Town Council has approved funding for four of those items.

He showed a plan of the area to orient the Board to where in the park the improvements are to be made.

Priority 1 is Ship Cove Parking. They will add a circular turnaround at the end of the current parking lot and add 25 spaces, for a total of 72 parking spaces. There will be a paved pedestrian walkway along the side separated from the parking area by a grass esplanade. There will also be a paved walkway from the parking lot to the picnic area for handicap access. There will also be drainage improvements via 2 catch basins to be added.

Priority 2 is the picnic area. The plan is to replace the concrete slab and remove miscellaneous concrete in the area. There will also be a safety handrail installed along the picnic area where there is a drop off from the slab. They will also stabilize some ongoing erosion along Keith Road.

Priority 5 is to realign Wheatley Road with the main access road. The two roads will be aligned to meet at a 90 degree angle. They are planning to improve the drainage in the area with a catch basin.

Priority 7 is the intersection of Ship Cove parking lot and the main road. The plan is to bring that intersection into a 90 degree angle and remove some excess paving. There will also be improvements to the pedestrian pathway. They will have a couple of crosswalks and a few plantings.

Mr. Steinberg asked if they will add a one way sign at the circular parking lot at the end of the Ship Cove parking lot.

Mr. Mitchell said they have designed it for 2 way traffic, and he will consider the suggestion.

Ms. Falender opened the public comment period on the issue of completeness. No one spoke up, so the public comment period was closed.

Ms. Jordan made the following motion:

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 proposed improvements to Fort Williams Park (located off Shore Rd), specifically items #1, 2, 5, and 7 of the recently adopted Fort Williams Master Plan, be deemed complete.

Ms. Volent seconded the motion and it passed, 6-0.

Mr. Chalot asked if handicap ramps would be added to the crosswalks.

Mr. Mitchell replied that they have added them and they have addressed all the other comments from the Town Engineer.

The Board did not feel they need a site walk.

Ms. Volent made the following motion:

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 proposed improvements to Fort Williams Park (located off Shore Rd), specifically items #1, 2, 5, and 7 of the recently adopted Fort Williams Master Plan, be tabled to the regular November 20, 2012 meeting of the Planning Board, at which time a public hearing will be held.

Mr. Chalot seconded the motion and it was approved, 6-0.

**C's Gourmet Market Site Plan** - KMC Properties is requesting site plan review of a proposed mixed use, specialty market/office building (4,140 sq. ft.) located at 349 Ocean House Rd, Sec. 19-9, Site Plan Completeness.

Mr. Chalot recused himself from this agenda item.

John Mitchell of Mitchell and Associates represented the applicants. The location of the proposed market is at 349 Ocean House Road. It is at the driveway to the high school and is in the Town Center District. It is a little over 3/4 of an acre. It was a former real estate office. He showed some photos of the site.

It will be a family owned specialty market serving sandwiches, salads, coffee etc. There will be a small area with tables for those who wish to have coffee or lunch on the premises.

Port Printing Company is a small, non-retail printing company owned by Mr. Concannon. He plans to move that business to the second floor of the building.

The building is a 3000 sq. ft. footprint. The second floor is 1500 sq. ft. The building will face Ocean House Road. There will be a patio space on the south side of the building with 4 tables and chairs for seasonal outdoor seating. Access will be from a door facing Ocean House Road, another from the parking lot and another into the kitchen area from the service area. There will also be a door to the patio area and one leading to the second floor.

27 parking spaces are required and they are proposing 27 spaces. For plantings, they are keeping most of the existing trees and planting some new ones for more buffering. They will grant the Town an easement for a 15 ft. sidewalk. The town has granted an access and utility easement in the area of the High School driveway.

Mark Mueller, architect, described the building design. He showed the plans of the space. The footprint of the building is almost 3000 sq. ft. The height will be 26.5 ft. The siding will be clapboard or hardie plank. It has the essence of wood, but is not wood. The first story will be wider boards, and the upper story will be 4 in. wide boards. They are planning it to be white with green windows and shutters.

Ms. Quinn asked if the floor plan of the interior was needed, and would they be able to change it.

Ms. O'Meara replied that they need the floor plan for the proposed seating in order to figure parking spaces, but if they want to rearrange things it would not require Planning Board approval. A change to window or door locations would trigger Board review.

On the issue of completeness, Ms. Falender was concerned that there was no checklist of the requirements of the Town Center District, and how this project meets those requirements. She would like those design requirements spelled out in the next submission.

Ms. O'Meara noted that she has looked at those requirements when she reviewed the plans, and would have raised any concerns with the project meeting the standards.

Ms. Falender opened the public comment period. No one came forth, so the public comment was closed.

Since there were no comments from the Board, Ms. Volent made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of KMC LLC for Site Plan review of C's Gourmet Market, a new retail/office building proposed to be located at 349 Ocean House Rd, be deemed complete.

Mr. Steinberg seconded the motion and it was approved, 5-0.

A site walk was scheduled for Tuesday October 23, 2012 at 5:00 pm.

Ms. Falender asked about the traffic study and the concerns about traffic at that corner. She said traffic is heavy and backs up in the morning.

Other members of the Board were concerned about the traffic flow and how it would work. They would like to have the traffic engineer present for the next meeting.

Ms. Volent wants to have the service area for trucks labeled on the plan. She also asked about where they will store snow.

Mr. Mitchell said a light snow will be stored at the edge of the property, and a heavy snow will be stored off site.

Ms. Jordan asked whether they have addressed all the comments from the Town Engineer.

Mr. Mitchell said they have addressed all the items except for item no. 14.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of KMC LLC for Site Plan review of C's Gourmet Market, a new retail/office building proposed to be located at 349 Ocean House Rd, be tabled to the regular November 20, 2012 meeting of the Planning Board, at which time a public hearing will be held.

Ms. Volent seconded and the motion passed, 5-0.

#### OTHER BUSINESS

**Survey Zoning Amendment** - The Town Council has forwarded to the Planning Board a request to review an amendment to the Zoning Ordinance that would require a

standard boundary survey for a structure within 5' of a setback line, Sec. 19-10-13, Zoning Ordinance Amendments.

Since no members of the public were present, no public comment period was held.

No Board member made comments, so Ms. Jordan made the following motion:

BE IT ORDERED that, based on the draft amendment and the facts presented, the Planning Board tables the draft Survey Amendments to the regular November 20, 2012 meeting of the Planning Board, at which time a public hearing will be held.

Ms. Volent seconded the motion and it was passed, 6-0.

The Board voted to adjourn at 8:45 pm.

Respectfully submitted,

Hiroimi Dolliver  
Minutes Secretary