

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

May 6, 2014

7:00 p.m. Town Hall

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

Also present was Michael McGovern, Town Manager.

Ms. Volent opened the meeting and called for the approval of the minutes of the April 15, 2014 meeting. The minutes were approved without amendment, 7-0.

OLD BUSINESS

BA District 100-seat restaurant Zoning Amendment - The Town Council has referred to the Planning Board consideration of an amendment to the Business A District to increase the maximum number of seats allowed in a restaurant from 80 to 100, Sec. 19-10-3, Zoning Ordinance Amendment Table to Public Hearing.

Ms. Volent introduced the topic with a brief statement. She said the April 15 meeting had introduced some uncertainty and she wished to clarify the issue before proceeding. She called a special Planning Board meeting to take up the item again before proceeding to public hearing. She said the Town Council had asked the Planning Board to review changing the limit on restaurant seats in the BA District from 80 - 100.

Ms. Quinn asked if the abutters had been given notice of this meeting.

Neither Ms. Volent, nor Mr. McGovern knew for sure whether they had been, but Mr. McGovern said they would be given notice before the public hearing on May 22, 2014.

Ms. Volent opened the public comment period. No one came forth to speak, so the public comment period was closed.

Ms. Falender thanked the Code Enforcement Officer for following up on the Board's concerns. She feels it is important that the conditions the Planning Board approves be taken seriously by the landowner and the Code Enforcement Office. She appreciated that the business owner followed up on those concerns in a responsible way. She also talked about the Staff Memorandum, and said it helps the Board to see the overall interests of the Town. She does strongly disagree with the part of the memo that said it was inappropriate of the Board to consider the specific circumstances in the property

that had initiated the topic of this zoning amendment. She does not think this was an inappropriate topic for discussion, nor was it an inappropriate discussion. Subsequent to that discussion, both the Town and the property owner have responded in a positive way.

Ms. Jordan said she whole heartedly agrees with Ms. Falender's comments. She then made the following motion:

BE IT ORDERED that, based on the proposed text and the information presented, the BA District restaurant seat Zoning Amendment specifying an increase from 80 to 100 seats be tabled to the regular May 22, 2014 Planning Board meeting, at which time a public hearing will be held. This BA District amendment replaces the BA District materials designated for public hearing at the April 15, 2014 Planning Board meeting.

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

The Board voted 7-0 to adjourn at 7:10 p.m.

Respectfully submitted,

Hiromi Dolliver,
Minutes Secretary