

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

July 15, 2014

7:00 p.m. Town Hall

Present: Victoria Volent, Chair
Josef Chalot
Peter Curry

Carol Anne Jordan
Elaine Falender
Henry Steinberg

Absent: Liza Quinn

Also present was Maureen O'Meara, Town Planner.

Ms. Volent opened the meeting and called for the approval of the June 17, 2014 minutes. The Board approved the minutes as presented, 5-0 (1 abstain).

OLD BUSINESS

Thomas Memorial Library Expansion/Renovation Site Plan - The Town of Cape Elizabeth is requesting site plan review of a proposed 10,855 sq. ft. addition and renovation to the Thomas Memorial Library located at 6 Scott Dyer Rd, Sec. 19-9, Site Plan Public Hearing.

Ms. O'Meara gave a brief overview of the project, noting that it is in the Town Center District, and is part of the school campus.

She then said she had offered to read a statement on behalf of Liza Quinn who is not here this evening. Ms. Quinn said that she did not agree that the amount and density of the buffering proposed was in accordance with the ordinance, and she wants the Board to be apprised of her view.

Jessica Sullivan, Chairman of the Town Council, spoke briefly on behalf of Molly MacAuslan and the Library Building Committee. She noted the many hours of time and effort that have gone into this project by many people. They hope to present this plan to the Town Council in August, and to the citizens in November for a referendum.

Eric Dube of Casco Bay Engineering is the Civil Engineer on the project. He introduced Peter Biegel, Landscape Architect, Dick Reed and Cynthia Loebenstein, Architects.

Mr. Dube then said he would discuss the changes since the last meeting and the site walk. He addressed the issues raised by Mr. Harding in his letter, and that there is no problem with them. They agreed to address all the items in the letter. He said they

have done a new site lighting plan. He is working on a DEP Site Plan Amendment, and has met with them.

Mr. Dube also talked briefly about the landscaping and tree removal and planting. He said he would leave it to Mr. Biegel to talk further about that.

Mr. Chalot asked if they have ever made a determination of whether the fence belongs to the Town or to the abutter.

Mr. Dube said he does not know who owns it.

Peter Biegel of Land Design Solutions spoke about the trees and showed a plan of which ones will remain and which ones would be removed. The Norway maple tree, which will be just off the edge of the pavement will be preserved if possible.

Ms. Volent opened the public hearing, and no one came forward, so the public hearing was closed.

The Board then discussed the buffering. They were concerned about carving up the Town Center District with heavy buffering. They liked the openness of the area as it is now and noted that the distance from the neighboring property was also a factor to consider.

Mr. Dube noted that the fence probably belongs to the neighbors.

The consensus of the Board was to not increase the proposed buffering. The Norway maple should be preserved if possible, but not replaced if it dies.

Mr. Steinberg wants speed limit signs posted for safety in the parking lot, but the rest of the Board was not in favor of that.

Ms. Falender made the following motion:

Findings of Fact

1. The Town of Cape Elizabeth is proposing an addition (10,855 sq. ft.)/Renovation of the Thomas Memorial Library located at 6 Scott Dyer Rd which requires review under Sec. 19-9, Site Plan Regulations.
2. The Town Engineer has recommended that additional information be added to the plans.

3. The current library includes the "Spurwink School" building, and the site plan application does not include a reuse of the building after the library addition/renovation is completed.
4. The school campus lot, on which the library is located, is currently regulated by a Site Location Permit issued by the Department of Environmental Protection (DEP).
5. The Town Center Design standards include pedestrian lighting requirements which have previously been implemented with a town center style light fixture.
6. Adjacent to the proposed main parking lot are existing trees which should be evaluated for preservation and incorporation into the buffering for the site.
7. The application substantially complies with Sec. 19-9, Site Plan Regulations.

THEREFORE 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 the Thomas Memorial Library Addition (10,855 sq. ft.)/Renovation, located at 6 Scott Dyer Rd, be approved, subject to the following conditions:

1. That the plans be revised to address the comments of the Town Engineer in his letter dated July 7, 2014;
2. That the use of the Spurwink School is a temporary library space during construction of the Thomas Memorial Library Addition/Renovation and then as municipal storage and any change from these uses will require site plan review;
3. That the Town obtain an amendment to the DEP Site Location permit prior to construction;
4. That all the pole mounted lights in parking lots use the town center style light fixtures;
5. That reasonable efforts during construction be made to preserve the existing norway maple located on the southern edge of the main parking lot. The plans shall be augmented to include a preservation plan that (1) precludes use of equipment or storage of materials within the dripline of the tree, except where the parking lot will be constructed, (2) includes pruning of the effected roots and (3) includes limbing of the tree to create a minimum 15' ground clearance; and (4), in the event however, after following these procedures, the tree does not survive, the town is not required to replace the tree.

6. That the medium sized spruce growing between the main parking lot and Holman Rd and infested with bittersweet be removed and a new tree be planted in the same area;
7. That the applicant consider substituting the proposed maple trees with the following species, subject to availability: black gum, ironwood, hornbeam, shagbark hickories and magnolias; and
8. That there be no alteration of the site nor issuance of a building permit until the plans have been revised and submitted to the Town Planner for review.

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

NEW BUSINESS

The Well Site Plan Amendment - Jason Williams is requesting an amendment to the Site Plan approval granted May 22, 2014 for a 44 seat restaurant to be located at 21 Wells Rd to reconfigure the 6-space employee parking lot, Sec. 19-9-6, Site Plan Amendment.

Ms. Jordan recused herself from consideration of this item.

Ms. O'Meara said the applicant has taken the area that was set aside for employee parking and reconfigured it. Under the off-street parking standards, the parking spaces are supposed to be 9 X 18 with a 24 ft. access aisle. There will be a gravel base with a 12 ft. access.

Jen Mowers said they are hoping to preserve the potential for farming in that area, so want to minimize the impact on the land. They have found that so far what they have is adequate and safe enough for the cars.

Ms. Falender asked if the entire 24 ft. of aisle had to be gravel, or can we comply with the standard by 12 ft. of gravel and 12 adjacent ft. not gravelled.

Ms. O'Meara agreed that there is no specific surface needed. You can have 12 ft. of gravel and 12 ft. of grass.

Ms. Volent opened the public comment period. Since no one came forward to speak, the comment period was closed.

Ms. Falender made the following motion:

Findings of Fact

1. Jason Williams is requesting an amendment to the previous site plan approval for The Well, a 44-seat restaurant located at 21 Wells Rd, to reconfigure the 6-space employee parking area, which requires review under Sec. 19-9, Site Plan Regulations.
2. The application substantially complies with Sec. 19-9, Site Plan Regulations.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jason Williams for an amendment to the previous site plan approval for The Well, a 44-seat restaurant located at 21 Wells Rd, to reconfigure the 6-space employee parking area be approved, subject to the following condition:

1. That a note be added to the plan that a 12 foot wide surface be added to the parking lot aisle that is not required to be gravel.

Mr. Chalot seconded the motion and it passed, 5-0.

Cardinal Lane Private Road Extension/Resource Protection Permit - Suzanne Gabriel is requesting an extension of Cardinal Lane, located off Cross Hill Rd, to provide access to a new lot, and also a Resource Protection Permit to alter 4,220 sq. ft. of RP2 wetland to construct the extension, Sec. 19-7-9, Private Rd Completeness, and Sec. 19-8-3, Resource Protection Regulations Completeness.

Ms. O'Meara said this project is in the RB District. Cardinal Lane is a private Road off Cross Hill Road. This is the third extension of Cardinal Lane. Staff has cited a need for more storm water work. She gave the Board an inventory of the wetland permits that have been approved since the new regulations were adopted in May 1990. They are proposing to alter 4220 sq. ft. of RP2 Wetlands. She also told the board that you are allowed to reconstruct a road in an RP1 Wetland.

John Mitchell represented Suzanne Gabriel and said this is the third and final extension of Cardinal Lane. He showed plans and aerial photos of the proposed extension. Cardinal Lane is a private road, built to private road standards. There is an RP2 Wetland that has been delineated, and there are no RP1 Wetlands. The proposal extends Cardinal Lane to serve Lot 4, which will be 80,000 sq. ft. They are trying to minimize the wetland impact.

Ms. Volent opened the public comment on completeness. No one came forward to speak, so the public comment was closed.

Ms. Jordan made the following motion:

Motion for Completeness

BE IT ORDERED that, based on the plans and the materials submitted and the facts presented, the application of Suzanne Gabriel for a Private Road extension and Resource Protection Permit to extend Cardinal Lane to a proposed new lot be deemed complete.

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

Ms. Volent then opened the public comment, and no one came to speak. She then closed the public comment.

The Board had questions about further development and possible division of the remaining land.

Mr. Mitchell stated that Ms. Gabriel has no intention of creating more lots than a single one more.

There were questions whether the access could come from Wells Road and not disturb the wetlands.

Suzanne Gabriel spoke about the shared driveway that serves her house from Wells Road. She feels it would be very expensive to come in from that direction.

It was suggested that they could look at this on a site walk.

Mr. Mitchell suggested that there may be more wetlands to cross if they came in from Wells Road.

There was a brief discussion about the configuration of the end of Cardinal Lane to accommodate any possible further division of the remaining land.

The board scheduled a site walk for July 23, 2014 at 7:30 a.m.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and the materials submitted and the facts presented, the application of Suzanne Gabriel for a Private Road extension and Resource Protection Permit to extend Cardinal Lane to a proposed new lot be tabled to the August 19, 2014 Planning Board meeting, at which time a public hearing will be held.

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

Ms. Volent opened the public comment period, but there was no one wishing to comment, so the comment period was closed.

The Board voted unanimously to adjourn at 8:40 p.m.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary