

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

September 20, 2016

7:00 p.m. Town Hall

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

Also present was Maureen O'Meara, Town Planner.

Mr. Curry opened the meeting and called for the approval of the minutes of the August 16, 2016 meeting. The minutes were unanimously approved without a change.

NEW BUSINESS

Recycling Center Upgrade Site Plan - The Town of Cape Elizabeth is requesting Site Plan Review of the Recycling Center located on Dennison Drive, Sec. 19-9, Site Plan Review.

Robert Malley, Director of Public Works, said he is the manager of the project. He introduced Megan McDevitt of Woodard and Curran who is helping to facilitate the project.

Ms. Mc Devitt said they have been looking at the Recycling Center for about a year and a half in order to make changes and upgrades to improve its functioning. She showed a plan of the existing conditions. She detailed how one would move through the facility with the various stops for disposal of waste and recycling. She said there are concerns about the congestion, the speed at which residents use the site, and the need to walk their solid waste into the building.

Their proposal is to keep the residents moving forward in one direction. She showed the new layout of the site. There will be a traffic island to prevent turning left as you enter. There will be 5 individual lanes. Four are for recycling and trash. The recycling compactors will greatly increase their capacity. There will be no more single sort recycling. You will be able to recycle cardboard along with other types of recycled items. There will be access to the recycling compactors from both sides, as well as access to the trash compactors. The retaining wall will remain there. The jersey barriers will be replaced with a retaining wall with a rail at the top to allow easier access and prevent falls.

There will be 2 lanes before the exit. One will be for people who wish to access the donation boxes and the swap shop, and the other will be to just exit right out. She showed the parking proposal for the swap shop.

She also showed that the fifth lane entering the facility is for people who do not have trash or recycling, but just want to go to the bulky waste or the swap shop. They can bypass the compactors. She outlined the plans for the use of the old compactor building. There will be office space and storage for e-waste.

Ms. McDevitt then outlined the stormwater management plan to account for the impervious improvements and the liquids that leach out of the compactors.

Mr. Sahrbeck asked why there was a stop sign?

Ms. McDevitt replied that it is there for someone who may have forgotten to dispose of something on their first time through. It provides a way to reenter the compactor area without leaving the site.

Mr. Chalat asked if one needs to exit the facility once you have been at the swap shop.

Ms. McDevitt said yes you need to exit after the swap shop in order to keep the traffic flow all in one direction. It is dangerous to have vehicles crossing in front of the traffic.

Mr. Steinberg asked if they can have another building entrance to the swap shop to prevent needing to park near the moving traffic.

Ms. McDevitt said that has been under consideration, but space is really tight and it may not be feasible. She also addressed the question about the brush and construction waste by saying there will be no change there.

Mr. Curry would like a crosswalk delineated for the parking spaces across from the swap shop. He also wondered about the lighting plan, and why it would be needed.

Ms. McDevitt replied that they can add a crosswalk. The lighting is needed in the winter when it gets dark before the facility closed.

Mr. Curry opened the public comment period. No one came forward to comment, so the comment period was closed.

The Board scheduled a site walk on September 22, 2016 at 4:30 pm.

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 upgrades to the Recycling Center located on Dennison Drive be deemed complete. A finding of completeness includes granting waivers for submission of the following items, in accordance with Sec. 19-9-4 (c)(17):

1. Submission of the names of owners of all contiguous land and within 200' of the property;
2. Lot line dimensions;
3. locations of buildings, structures, streets, easements, driveways, entrances or exits located on the property but not within the "area of construction."
4. Building setback, sideline and rear yard distances.
5. Existing physical features beyond the "area of construction."

Ms. Jordan seconded and it was passed, 7-0.

Ms. Jordan wanted to raise the issue of possible traffic slowing measures at the merging of the 5 lanes of the center.

The applicant replied that they would have a look at what could be done.

Ms. Volent asked how to access the sand pile.

Mr. Malley said you access it from below.

Ms. Volent asked about the location of several other features.

Mr. Malley answered all her questions.

Ms. Falender 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 upgrades to the Recycling Center located on Dennison Drive be tabled to the October 18, 2016 meeting of the Planning Board, at which time a public hearing will be held.

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

12 Hill Way subdivision reapproval and site plan amendments - Dr. Zev and Amber Myerowitz are requesting reapproval of a 3-lot subdivision located on Hill Way (the approval lapsed August 17th) and minor amendments (such as shifting the angle and shape of the connector) to the site plan approval of the Cape Chiropractic and Acupuncture Center, Sec. 16-3-2, Minor Subdivision Review, and Sec. 19-9, Site Plan Amendments.

Mr. Sahrbeck asked why they had not scheduled a public hearing on this matter so one could have been held tonight.

Ms. O'Meara said she had not checked if a public hearing was required in this instance, so she did not advise the Board to schedule one for tonight.

Jocelyn Boothe, architect with WBRC, represented the owners on the project. She said it was a clerical error on our part to allow the subdivision approval to lapse. We are looking for reapproval of the subdivision as it was approved on May 17, 2016. No changes have been made. We are looking for a few minor site plan amendments to be approved. There are 6 items we want to look at. She showed a map of the changes. The first is to move a proposed tree for snow removal and snow storage on the site. 2. The location of a generator has been determined and the sound ordinances have been met for that location. 3. The connector between the two buildings has been rotated slightly. The height is the same and the area is the same. 4. Two units had two entrances, and they will now be combined with one canopy over them. 5. A porch was covered and they want to add a solid wall to hide the electric meters from street view. 6. Street signs will not be lighted as originally proposed.

Ms. Boothe showed plans and elevations of each of those proposed changes.

Mr. Curry opened the public comment period. No one spoke, so the public comment period was closed.

Ms. Falender said we are incorporating materials by reference to prior submissions. She wants a formal statement by the applicant that no material changes have been made to those earlier submissions.

Mr. Curry outlined the criteria that had been considered in the earlier approval.

Mr. Steinberg made the following motion:

BE IT ORDERED that, based on the plans and materials submitted, including all the plans and materials approved as part of the May 17, 2016 Planning Board approval, and the facts presented, the application of Two Penguin Properties, LLC for Minor Subdivision Review of a 3-lot subdivision and Site Plan Review of

two buildings containing 6,205 sq. ft. of medical office space, 10 multi-family residential units and a 357 sq. ft. building connector, located at 12 Hill Way, be deemed complete.

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

Ms. Falender said there has been public comment on the sidewalk on Scott Dyer Road and on the impact of blasting on students walking to school.

Ms. O'Meara said the sidewalk is not a waiver of a submission requirement but a waiver of a construction standard. The applicant is constructing a sidewalk on the east side of Hill Way and there is no plan to develop the lot at the corner of Hill Way and Scott Dyer Road at this time. There is a sidewalk on the other side of Scott Dyer Road and at such time as the lot on the corner is proposed for development, a sidewalk is a Site Plan review ordinance requirement.

Blasting has been discussed with the Town Staff. It really is not a Planning Board issue.

The Town changes to Hill Way have not yet been finalized.

Mr. Sahrbeck said we are addressing the blasting issue because the public has raised it, but this is not a part of the Planning Board process. The sidewalk issue has been discussed in prior meetings. The long eared bat was touched upon by us.

Discussion followed that reiterated their decision to waive the requirement to build a sidewalk on Scott Dyer Road

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted, including all the plans and materials approved as part of the May 17, 2016 Planning Board approval, and the facts presented, the application of Two Penguin Properties, LLC for Minor Subdivision Review of a 3-lot subdivision and Site Plan Review amendments of two buildings containing 6,205 sq. ft. of medical office space, 10 multi-family residential units and a 357 sq. ft. building connector, located at 12 Hill Way, be tabled to the regular October 18, 2016 meeting, at which time a public hearing will be held.

Mr. Steinberg seconded the motion and it was approved, 7-0.

No one came forth to comment on items not on the agenda.

The Board voted unanimously to adjourn at 8:20 pm.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary