

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

November 20, 2018

7:00 p.m. Town Hall

Present: Carol Anne Jordan, Chair Jonathan Sahrbeck
 Peter Curry Victoria Volent
 Andrew Gilbert

Absent: James Huebener and Josef Chalat.

Also present was Maureen O'Meara, Town Planner.

CALL TO ORDER

Ms. Jordan called the meeting to order and asked for the approval of the minutes of October 16, 2018. They were approved as presented, 4-0 (1 abstain).

The minutes of the October 16, 2018 special workshop were approved, 4-0 (1 abstain).

The minutes of October 23, 2018 were approved, 4-0 (1 abstain).

OLD BUSINESS

Appletree School expansion site plan amendment - Pamela Mullin is requesting amendments to the previously approved Appletree School site plan to expand the school located at 44 Two Lights Rd from 20 to 40 children, request a Resource Protection Permit to alter RP2 wetland for installation of underground utilities and amend the lot lines between lots 2 and 3 of the Spinnaker Heights Subdivision, Sec. 19-9 Site Plan Public Hearing, Sec. 19-8-3, Resource Protection Permit Public Hearing and Sec. 16-2-5, Amendments to a previously approved subdivision Public Hearing.

John Mitchell of Mitchell and Associates gave a quick overview of the project. The property is located at 44 Two Lights Road. It is 2.4 acres in Lot 3 in the Spinnaker Heights Subdivision. He spoke about the existing structures and lawn space on the property.

The site plan amendment is for the school's expansion from 20 to 40 students. There will be a 227 sq. ft. addition to the existing barn for office space and the restroom facility. Vehicular circulation has been improved. They will have an entrance only coming in from Two Lights Road and an exit drive coming out,

and a drop off area. There are a total of 18 parking spaces, 2 spaces for the single family residence, 6 for employees, and 10 for parents.

The Resource Protection Permit is requested because they are altering 1,319 sq. ft. of wetland because of the rain garden and an added sewer line. No impervious surface will be placed on the wetland. Other than the rain garden, all the other impacts to the wetland will be restored to its original condition.

The amendment to the Spinnaker Heights Subdivision plan is to show an acquisition of approximately 1,800 sq. ft. of land from the abutter, the Wardes. That acquisition will allow the applicant to expand the parking area and improve the circulation.

Mr. Mitchell referred to his cover letter to the Planning Board dated November 2, 2018, where he outlined all the revisions to the plans they have made since the last meeting. The Board elected not to have him go through the items one by one.

Mr. Mitchell then noted the items on the Town Engineer's memo that they will address. He said there will be no lighting on the school's sign.

Ms. Jordan opened the public hearing.

Pamela Mullin of 44 Two Lights Road came forward to thank the Planning Board and Ms. O'Meara for all the time and information and the committee for their work. She wanted to thank her neighbors, Mr. and Mrs. Warde.

No one else came forward to speak, so the public hearing was closed.

Ms. Volent thanked the Wardes and said they have mentioned that they would like some plantings.

Msr. Mullin said she will plant whatever they want.

Mr. Gilbert and Mr. Curry both said they are pleased with the result.

Mr. Curry made the following motion:

Findings of Fact

1. Pam Mullin is proposing to expand the existing Appletree School, located at 44 Two Lights Rd, from 20 to 40 children, which requires review under Sec. 19-9, Site Plan Regulations, Sec. 19-8-3, Resource Protection District Regulations and Sec. 16-2-3, Amendments to previously approved subdivisions.

2. The plan for the development is consistent with the natural capabilities of the site to support development.
3. Access to the development will be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site will be safe. Parking will be provided in accordance with Sec. 19-7-8, Off-Street Parking.
4. The plan does include an existing system of pedestrian ways within the development.
5. The plan does provide for adequate collection and discharge of stormwater.
6. The development will not cause soil erosion, based on the erosion plan submitted.
7. The development will be provided with an adequate quantity and quality of potable water.
8. The development will provide for adequate sewage disposal.
9. The development will be provided with access to utilities.
10. The development will not locate, store or discharge materials harmful to surface or ground waters.
11. The development will provide for adequate disposal of solid wastes.
12. The development will not adversely affect the water quality or shoreline of any adjacent water body.
13. The applicant has demonstrated adequate technical and financial capability to complete the project.
14. The development will not materially obstruct the flow of surface or subsurface waters across or from the alteration area;
15. The development will not impound surface waters or reduce the absorptive capacity of the alteration area so as to cause or increase the flooding of adjacent properties;
16. The development will not increase the flow of surface waters across, or the discharge of surface waters from, the alteration area so as to threaten

injury to the alteration area or to upstream and/or downstream lands by flooding, draining, erosion, sedimentation or otherwise;

17. The development will not result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
18. The development will not pose problems related to the support of structures;
19. The development will not be detrimental to aquifer recharge or the quantity or quality of groundwater;
20. The development will not disturb coastal dunes or contiguous back dune areas;
21. The development will maintain or improve ecological and aesthetic values;
22. The development will maintain an adequate buffer area, if it has not already been altered, between the wetland and adjacent land uses;
23. The development will be accomplished in conformance with the erosion prevention provisions of Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission dated March, 1986, or subsequent revisions thereof;
24. The development will be accomplished without discharging wastewater from buildings or from other construction into Wastewater Treatment Facilities in violation of Section 15-1-4 of the Sewage Ordinance; and
25. The development is not located in a floodplain.
26. The subdivision amendment will not cause unreasonable road congestion or unsafe vehicular and pedestrian traffic. All lots are provided with vehicular access.
27. The subdivision amendment will provide for adequate sewage disposal.
28. The subdivision amendment is compatible with applicable provisions of the Zoning Ordinance.
29. The application substantially complies with Sec. 19-9, Site Plan Regulations, Sec. 19-8-3, Resource Protection Regulations, and Sec. 16-2-5, Amendments to previously approved subdivisions.

Therefore, BE IT ORDERED that, based on the plans and the materials submitted and the facts presented, the application of Pam Mullin to expand the Appletree School, located at 44 Two Lights Rd, from 20 to 40 children 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 11/14/2018;
2. That there be no alteration of the site nor issuance of a building permit until the plans are revised to satisfy the above conditions and submitted to the town planner.

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

NEW BUSINESS

1226 Shore Road

Ms. O'Meara spoke about the project and said the applicant has asked for amendments to the approval from October 27, 2017. These are amendments that staff will support because they will address some issues that staff has identified. There were many comments that made us believe that an appeal had been filed in court on the Planning Board approval. If that had happened, the time frame for the approval would have stopped. No appeal has ever been filed, which means the one year approval has actually run out.

The original plan for tonight's meeting was for the applicant to come to the Board tonight to show you some changes and if you deemed it complete, to table it to the December meeting where you would hold a public hearing and deem it complete.

Since the project is on the agenda, staff has advised that the applicant can show their plans and ask for guidance from the Board. In December, the applicant could come back with a new application and you could deem it complete and grant final approval.

Katherine Detmer of Archetype Architects spoke on behalf of the applicant. She said there are two buildings. Building A, that they are planning to demolish to the original foundation, and then go up three stories with residences on the top and a restaurant, retail and offices on the first floor. There is a parking area and then in the back we have building B.

In Building A there is a kitchen in the basement, which will be demolished along with some partitions. The whole basement will be storage space for the residents.

Building B was not built according to the drawing because we had wrong information originally. When we run the numbers on the actual square footage, the parking calculations change. They need 1 additional shared space. There is an existing kitchen in the building that is not considered appropriate for an office kitchen. They plan to remove the range, full size refrigerator and dishwasher. They will put in a small refrigerator that is more appropriate for an office.

Ms. Detmer explained why installing an elevator was not needed for accessibility.

Mr. Sahrbeck asked if there is a timeline for removal of the kitchens.

Ms. Detmer said she does not know the answer to that.

Mr. Sahrbeck asked if there are any other changes from the original approval.

Ms. Detmer said everything else will be the same.

Mr. Curry requested that they cut the grass to show some respect for their neighbors.

The Board did not choose to have a site walk.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that the Planning Board will consider an expedited review of the 1226 Shore Rd mixed use site plan, including scheduling a public hearing at the December 18, 2018 meeting.

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

The board voted unanimously to adjourn at 7:40 p.m.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary