

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

April 22, 2019

7:00 p.m. Town Hall

Present: Josef Chalot, Chair
Daniel Bodenski
Andrew Gilbert

James Huebener
Carol Anne Jordan
Jonathan Sahrbeck

Absent: Peter Curry

Also present was Maureen O'Meara, Town Planner.

CALL TO ORDER

Mr. Chalot called the meeting to order and asked for the approval of the minutes of March 19, 2019 meeting. The minutes were approved as presented, 5-1 (one abstain).

CONSENT AGENDA

Rams Head Subdivision Amendment - Ram's Head Partners LLC is requesting a de minimus amendment to the previously approved Rams Head Subdivision, located at the end of Charles Jordan Rd (Cod Rock Rd and Winship Rd) to change the water supply for the lots from a private well to a 4" water line, Sec. 16-2-5, Amendments to Previously approved subdivision plans.

There was no discussion, so Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plan and materials submitted and the facts presented, the application of Ram's Head Partners Limited Liability Company for an amendment to the previously approved Rams Head Subdivision, located at the end of Charles Jordan Rd (Cod Rock Rd and Winship Rd) to replace well water with connection to a 4" private water line for all 4 lots be approved under Sec. 16-2-5 of the Subdivision Ordinance as a Consent Agenda Item.

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

OLD BUSINESS

51 Ocean House Rd Private Rd/Accessway - Jay Cox, dba Maxwell Cove LLC, is proposing a private road and private accessway to create lot frontage for a new lot to be located at the rear of 51 Ocean House Rd (U28-9), Sec. 19-7-9

Private Road and Private Accessway Public Hearing and Sec. 19-8-3, Resource Protection Permit Public Hearing.

Jay Cox spoke for Maxwell Cove LLC and spoke about the updates since the last presentation. He said the site plan has been updated to incorporate recommendations from Mr. Harding in his memo of March 11, 2019. The rip rap was modified to be 2 ft. deep and widened slightly. They will plant 5 serbian spruce at the Rosendo property. They have added a note to the plan that no buildings shall be outside the building envelope. They have widened the turnaround. They are requesting a resource protection permit in case they decide to connect to the sewer at the south west of the property.

Mr. Chalot opened the public hearing. No one came to speak, so the public hearing was closed.

Mr. Chalot wants to hear the list of the Engineer's comments.

Mr. Cox spoke about each one and how they will comply with each.

Mr. Sahrbeck made the following motion:

Findings of Fact

1. Jay Cox and Bill Royall, doing business as Maxwell Cove LLC, are requesting Private Road and Private Accessway Permit approval for Caydens Way to provide access for 2 lots located at 51 Ocean House Rd and a new lot to be located at the rear of 51 Ocean House Rd, as well as a Resource Protection Permit for up to 500 sq. ft. of temporary alteration to an RP2 wetland to provide a gravity sewer connection to lot 2, which requires review under Sec. 19-7-9 Private Road and Private Accessways, and Sec. 19-8-3, Resource Protection Permit.
2. Caydens Way will not result in undue water pollution. The private road is not located in the 100-year floodplain. Soils will support the proposed uses. The slope of the land, proximity to streams, and state and local water resource rules and regulations will not be compromised by the construction of Caydens Way.
3. Caydens Way will not cause soil erosion, based on the erosion control plan provided.
4. Caydens Way will not cause unreasonable road congestion or unsafe vehicular and pedestrian traffic. Caydens Way provides for road network connectivity while discouraging through traffic. Caydens Way is laid out to conform to existing topography as much as is feasible. Caydens Way is

designed to meet town standards, with waivers granted for a right-of-way reduction from 50' to 35' and a traveled way reduction from 22' to 14' with 2' wide shoulders. The waivers are granted because the private road will serve no more than 2 lots and the waiver will allow the scale of the development to be more compatible with the adjacent neighborhood.

5. Caydens Way will not have an undue adverse impact on scenic or natural areas, historic sites, significant wildlife habitat, rare natural areas, or public access to the shoreline.
6. Caydens Way is compatible with applicable provisions of the Comprehensive Plan and town ordinances.
7. The applicant has demonstrated adequate technical and financial capability to complete the project.
8. Caydens Way will not adversely impact surface water quality.
9. Caydens Way will not adversely impact the quality or quantity of ground water.
10. Caydens Way is not located in a floodplain.
11. Caydens Way is in compliance with the Town wetland regulations in the Zoning Ordinance.
12. The design of Caydens Way will provide for adequate stormwater management.
13. Caydens Way is not located within the watershed of Great Pond, and therefore will have no impact on phosphorus levels.
14. Caydens Way is not located on land where liquidation harvesting was conducted.
15. Caydens Way will include access to utilities.
16. The Caydens Way Private Accessway shall not provide access to more than one dwelling unit and related accessory buildings and uses.
17. The Caydens Way private accessway shall be located within a dedicated right-of-way having a width of 30'.

18. The sub-base shall be constructed with gravel meeting MDOT Spec. 703.06 Type D with a depth of at least fifteen (15) inches, and having a width of at least eighteen (18) feet.
19. The traveled way shall be constructed with a minimum of three (3) inches of crushed gravel having a width of at least fourteen (14) feet, with the remaining width of gravel based loamed and seeded.
20. Within ten (10) feet of the edge of Ocean House Rd, the private road portion of Caydens Way shall be paved with 3 inches of asphalt paving. The maximum grade within the first fifty (50) feet of the edge of street paving shall not exceed five percent (5%). Pavement radius at the intersection with the street shall be twenty (20) feet.
21. Gutter drainage along Caydens Way shall not be allowed to sheet across the face of the intersection with Ocean House Rd and the proposed design will keep drainage from the private accessway from running into the public street.
22. A turnaround is proposed to meet the requirements of the Fire Chief.
23. Caydens Way is located so that sight distance conforms to the requirements of the Subdivision Ordinance.
24. The Caydens Way private accessway shall serve only one lot.
25. The Planning Board has not reduced the Private Accessway requirements of Sec.19-7-9 (D)(4) to a lesser standard.
26. Adequate disposal of sewage shall be provided as evidenced by connection to the public sewerage system.
27. A building envelope is depicted wherein the house and accessory buildings will be located on the lot demonstrating conformance with the setback requirements of the district in which it is located and any natural constraints and that the house site will be buffered from abutting residential properties.
28. The temporary wetland alteration will not materially obstruct the flow of surface or subsurface waters across or from the alteration area;
29. The temporary wetland alteration 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 and should include temporary dewatering measures during construction;

30. The temporary wetland alteration 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;
31. The temporary wetland alteration will not result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
32. The temporary wetland alteration will not pose problems related to the support of structures;
33. The temporary wetland alteration will not be detrimental to aquifer recharge or the quantity or quality of groundwater;
34. The temporary wetland alteration will not disturb coastal dunes or contiguous back dune areas;
35. The temporary wetland alteration will maintain or improve ecological and aesthetic values;
36. The temporary wetland alteration will be restored with an adequate buffer area between the wetland and adjacent land uses;
37. The temporary wetland alteration 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;
38. The temporary wetland alteration 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
39. The application substantially complies with Sec. 19-7-9, Private roads and Private Accessways, and Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jay Cox and Bill Royall, doing business as Maxwell Cove LLC, for a Private Road and Private Accessway Permit approval for Caydens Way to provide access for 2 lots located at 51 Ocean House Rd and a new lot to be located at the rear of 51 Ocean House Rd, as well as a Resource Protection Permit for up to 500 sq. ft. of

temporary alteration to an RP2 wetland to provide a gravity sewer connection to lot 2, be approved subject to the following conditions:

1. That the plans be revised to address the Town Engineer's comments in the letter dated April 10, 2019; and
2. That there be no alteration of the site nor issuance of a building permit until the plans have been revised to address the above condition, the plan has been signed by the Planning Board and recorded in the Cumberland County Registry of Deeds, and a performance guarantee has been posted.

Ms. Jordan seconded and it was passed, 6-0.

Ocean House Common site plan - Dr. David Jacobson is proposing a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland located at 326 Ocean House Rd (R2-4-6), Sec. 19-9 Site Plan Public Hearing and Sec. 19-8-3, Resource Protection Permit Public Hearing.

John Mitchell of Mitchell and Associates represented Dr. David Jacobson. He showed an aerial photo of the land, and the survey of the parcel. He then showed a graphic of the project. Phase 1 will be Dr. Jacobson's building. In the full buildout, there will be a total of 4 buildings, all with less than a 5000 sq. ft. building footprint. The village green will be deeded to the Town. The existing vegetated buffer cannot be disturbed.

He showed the site plan for Phase 1. The dental office will be on the first floor, with 2 apartments on the second floor.

There will be additional plantings for aesthetics and screening purposes. They have added one additional parking space to make it a total of 20. They removed the existing vegetation along the town hall property at the request of the Town. The species of street trees were changed. They will raise the grade approximately 1.5 ft. in the open lawn area and increased the size of the sidewalk along Ocean House Road from 5 ft. to 6 ft. They have addressed all the comments in Steve Harding's letter.

The more recent comments have all been addressed. They will clear the vegetation for the proposed building sites. The traffic studies will be done in a later phase.

Steve Bradstreet of Bradstreet Consulting spoke about the stormwater management. He showed the plans. He spoke about the meeting with the DEP. The DEP has said that if the Town accepts the stormwater quantity into their storm drain system, it is acceptable to the DEP. The water quality still has to be

maintained on site. They have been able to eliminate the detention on site. He spoke about how they will deal with the quality of the stormwater with filtration swales. He also spoke about the Town's storm drain system and that there will be a study to determine if they can handle the quantity of stormwater from the site when there is full buildout.

In reply to a question from Mr. Sahrbeck, Mr. Bradstreet said the level in the center of the village green parcel will be 4-5 ft. lower and it will be terraced.

Matt Provencal of Mark Mueller Architects said they will add the elevations of the building. He outlined the exterior materials. He showed the renderings of the building and said the opening ratio is at 45% in the front.

Mr. Chalot opened the public hearing.

Nate Toothaker representing Field Winds LLC wants to know the effect of development of the buffer zone. He is also concerned about the environmental effects of a dental practice on the water by mercury contamination.

Suzanne McGinn of 1180 Shore Road was concerned about the vernal pool on the property. She had read that the pool has been evaluated and was determined a non significant wetland. She wants to know who made that determination and where is the documentation? She also wants to know where the water will flow from the building. Will it be towards the Land Trust property or will it be captured into the stormwater system?

Zeb Myerowitz is here to support the development. He said he went through this process a few years ago and it is not easy to get development into Cape Elizabeth. He wants to be sure we address the environmental concerns. He said we need to be nurturing a local business that is not only taking care of his own building, but providing the Town with a village green. Since this is in the TIF district, there is potential for garnering funds for infrastructure.

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

Dr. Jacobson said the state has strict guidelines for dental offices. He said there are many systems in place to filter out any waste from his practice. He will exceed the guidelines. He has no water waste that does not go into the sewer system.

Mr. Mitchell said Lawrence Stockwell of Stockwell Environmental Consulting did the evaluation of the vernal pool on April 21, 2016. It was determined that it was not a vernal pool. The report can be found in Exhibit 4 of our application.

Ms. O'Meara said the Town does not post the applications online, they only post the agenda, the minutes and the reports generated by the Town staff. The application submissions can be reviewed in the Town office. She also said the meeting with the DEP confirmed that this is not a significant vernal pool.

Mr. Mitchell said no water will run off onto the Land Trust property, other than perhaps what already flows from the buffer. All the other water will be managed on the property.

Mr. Gilbert asked how the water quality will be treated.

Mr. Bradstreet explained the measures to be used and showed a plan of how it will be done with filtration swales and underdrain systems.

Mr. Gilbert asked about the dumpster screening. He would like to have vegetative screening.

Mr. Mitchell said it will be surrounded by a 6 ft. wooden stockade fence.

Mr. Gilbert would like to see the full sidewalk all the way from the street instead of just a small portion in front of the proposed building. He understands that it would be destroyed in the construction of the other buildings.

Mr. Mitchell proposed a stone dust walkway if the Board agrees.

Mr. Gilbert asked if there will be lighting at the flagpole, or at least conduit.

Ms. O'Meara then talked about the balance needed between what Dr. Jacobson will provide and how much the Town needs to take on. They have agreed to table this application so the parties can work out the details of that balance and set clear expectations about what will happen in the full build out.

Mr. Huebener said on Sheet L-5 it says there will be conduit. A receptacle too?

Mr. Mitchell said there will be both.

Mr. Huebener would like them to pour the 3ft. by 8 ft. pad for the memorial now while it is easy to do. He also wants to have lighting for the flagpole.

Ms. Jordan said the Town needs to decide how much they are going to do.

Mr. Sahrbeck asked about the water quality control.

Mr. Bradstreet gave a detailed description of the systems they will place for that purpose.

Mr. Sahrbeck thanked Dr. Jacobson for the gift of the village green. He also noted that at the site walk they were informed about the huge cost to fill in the low area to make it level with the rest of the site.

Mt. Bodenski asked about the height of the street trees. He also asked if there will be standing water in a major storm.

The trees will be 3 ft. tall. Mr. Bradstreet explained how the drainage system and catch basins will work in a major storm.

Ms. Jordan was concerned about the phasing and the storm water runoff. What if the Town system cannot hold all the runoff.

Mr. Bradstreet said they have thought about that. The proposed system is designed for the full build out.

Ms. O'Meara said they are still working on this and will have the answer on the capacity of the town's system by mid September. We are committed to the Town Center stormwater plan. The Town has not closed the door to making improvements to the system.

There was further discussion of the timing of the conveyance to the Town and the location of the flagpole, parking outside of Phase 1, the level of the infrastructure the applicant will provide and how much the Town will provide.

Ms. O'Meara outlined a few items that need to be addressed. There is a sentiment from the Board that more sidewalks are needed. The 15 ft. strip on the southern border needs to be a buffer. If it has no existing buffer, there needs to be one provided. She wants detail about the decibel level for the generator.

The standards require that the first floor openings be 50% of the front. The architect and the Board had a discussion of how to count that percentage. Samples of the exterior materials are needed.

Mr. Huebener made the following motion:

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of David S. Jacobson for Site Plan Review and a Resource Protection Permit for Ocean House Commons, a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland be tabled to the regular May 21, 2019 meeting of the Planning Board.

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

NEW BUSINESS

1226 Shore Rd mixed use/8 apartments Site Plan - Patrick Tinsman is proposing reapproval and amendments for a mixed use/8 apartment redevelopment of 1226 Shore Rd (U11-14), Sec. 19-9, Site Plan Completeness.

Patrick Tinsman is requesting reapproval of a mixed office/restaurant/8 apartments development located at 1226 Shore Rd. The Planning Board granted site plan approval with conditions on October 20, 2017. Necessary plan revisions to comply with the conditions resulted in a need for amendments to the site plan approval. The approval expired before the applicant returned for amendments, so a reapproval of the development is proposed, subject to compliance with Sec. 19-9, Site Plan regulations, and Sec. 19-6-4(d)(3) Town Center Design requirements.

Ms. O'Meara spoke about the letter from the Town Attorney which addressed the need for a resubmittal of the original documents if they are going to be referenced in this approval. She said the applicant has submitted a new packet on Thursday and it is in front of the Board tonight. Everything asked for has been included, except generator specifications, which will be provided tonight.

Katherine Detmer of Archetype architects said she has the specifications for the heat pump. She will give them to the Board after the presentation.

Steve Bushey of Gorrill Palmer showed the site plan and pointed out the parking lot and the easement to the Town. There will be 34 parking spaces with prior approval for shared parking spaces. There is a small increase in impervious area. He showed how they will take away a portion of the building and adding another piece. They are proposing this to be a porous asphalt parking lot. The water will go through it. They will have an underdrain system. He showed the plan of landscaping and parking spaces. There will be a parking garage for 2 parking spaces. He showed and explained the drainage plans.

Ms. Detmer said they have recalculated the square footage of building B. They are asking for one shared parking space for building B. She then showed the plans for building A. The existing basement plan showed a kitchen which will be "demo'd" and a porch out back which will come off. In the new basement plan, the entire area will be used for storage.

On the first floor, they will demo the entire first floor. and a lot of the foundation. they will go up to three stories. The first floor will have two office spaces and a retail/restaurant. Both of the upper floors each will have 4 units,

those are two bedroom apartments of about 1200 sq. ft. each. Each apartment will have an exterior deck.

Ms. Detmer showed the elevations of the exterior, and spoke about the materials, windows and roof lines.

The garage out in back will have 8 bays. They are going for the carriage house look. She spoke about the lighting on building A.

They have recalculated the square footage of building B. She spoke about the office space that will be there. On the first floor of that building, there is a kitchen which was deemed by the Town to be out of scale for an office building. They will remove the full size fridge, remove the range and dishwasher. They will put in an under counter fridge. She also spoke about lighting and signage.

Mr. Chalot opened the public comment period. No one came up to speak, so the public comment was closed.

Mr. Gilbert was concerned about completeness because he didn't get the packet in time to judge it complete. The Chair told him he did not need to vote it complete if he did not feel comfortable with that.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Patrick Tinsman for reapproval of a mixed office/restaurant/8 apartments development located at 1226 Shore Rd be deemed complete.

The board approved the motion, 5-1.

Ms. Jordan asked about the parking space numbers.

Ms. Detmer said 36 for building A with 2 shared and 6 for building B with 1 shared.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Patrick Tinsman for reapproval of a mixed office/restaurant/8 apartments development located at 1226 Shore Rd be tabled to the regular May 21, 2019 meeting of the Planning Board, at which time a public hearing will be held.

Mr. Gilbert seconded and the motion passed, 6-0.

69 Beach Bluff Terrace Private Accessway - Peter Weare is proposing reapproval of a private accessway to create lot frontage for a new lot to be located at the rear of 69 Beach Bluff Terrace (U10-37), Sec. 19-7-9 Private Accessway completeness and public hearing.

Jim Logan is the wetland scientist for this project, as well as a soils scientist, and a site evaluator for the septic system. He spoke about the wetlands on the adjacent property and that he has mapped the wetlands on this property. The proposed house site is completely outside the wetland setback. There is a drainage stream on the property which has a 75 ft. setback. They have gotten approval from the DEP to reduce that setback to 40 ft. in one area to accommodate the lawn. The house will be completely out of the setback area. They will place large stones to delineate the setback and prevent any encroachment on the buffer by a new owner of the property.

Mr. Chalot opened the public comment on completeness. No one came forward to speak, so the comment period was closed.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Peter Weare for a Private Accessway permit for a new lot located at the rear of 69 Beach Bluff Terrace be deemed complete.

Mr. Bodenski seconded the motion and it was passed, 6-0.

Mr. Chalot opened the public hearing. No one came to speak, so the public hearing was closed.

Several members of the Board spoke in favor of the project.

Mr. Sahrbeck made the following motion:

Findings of Fact

1. Peter Weare is requesting reapproval of a Private Accessway Permit for a new lot located behind 69 Beach Bluff Terrace, which requires compliance with Sec. 19-7, Private Accessways.
2. The proposed lot shall be improved with only one dwelling unit and related accessory buildings and uses.

3. The private accessway shall be located within a dedicated 30' wide right-of-way.
4. The sub-base shall be constructed with gravel meeting MDOT Spec. 703.06 Type D with a depth of at least fifteen (15) inches, and having a width of at least eighteen (18) feet.
5. The travel way shall be constructed with a minimum of three (3) inches of crushed gravel having a width of at least fourteen (14) feet, with the remaining width of gravel based loamed and seeded.
6. Within ten (10) feet of the edge of the street paving, the accessway shall be paved with 3 inches of asphalt paving. The maximum grade within the first fifty (50) feet of the edge of street paving shall not exceed five percent (5%). Pavement radius at the intersection with the street shall be twenty (20) feet.
7. Gutter drainage along the street shall not be allowed to sheet across the face of the intersection and the proposed design will keep drainage from the private accessway from running into the public street.
8. A turnaround meets the requirements of the Fire Chief.
9. The accessway is located so that sight distance conforms to the requirements of the Subdivision Ordinance.
10. The private accessway shall serve only one lot.
11. The Planning Board has not reduced the requirements of Sec.19-7-9 (D)(4) to a lesser standard.
12. Adequate disposal of sewage shall be provided as evidenced by submission of a completed HHE-200 form.
13. A building envelope is depicted wherein the house and accessory buildings will be located on the lot demonstrating conformance with the setback requirements of the district in which it is located and any natural constraints and that the house site will be buffered from abutting residential properties.
14. The application substantially complies with Sec. 19-7-9, Private Accessways, and Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Peter Weare for a Private Accessway permit for a new lot located at the rear of 69 Beach Bluff Terrace be approved, subject to the following conditions:

1. That the following deeds and agreements be submitted in a form acceptable to the town attorney and signed by the applicant:
 - Road Maintenance Agreement
 - Rights of access for Parcel B over the private accessway on Parcel A
 - Deed conveying Thompson Rd to Parcel B
 - Emergency access deed over the turnaround to the Town
2. That there be no issuance of a building permit or alteration of the site until the plans and materials have been revised to satisfy the above conditions and the plan has been signed by the Planning Board and recorded in the Cumberland County Registry of Deeds.

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

Ms. Jordan recused.

The Well Site Plan Amendment - Jason Williams is proposing amendments to the previously approved site plan for The Well at Jordan's Farm, located at 19 Wells Rd (R5-30), to connect to public sewer and add a porch, Sec. 19-9, Site Plan Completeness and Public Hearing.

Jason Williams, chef and owner of the Well, said the first amendment is to connect the restroom to the Town sewer on Wells Road. At the restaurant he will be able to connect a grease trap. The second amendment is to add a wraparound covered porch to the existing porch. The third amendment is to add a dumpster in the employee parking lot. The dumpster will be in a wooden enclosure.

Mr. Chalot opened the public comment period on completeness. No one came forth, so the public comment period was closed.

The board had no comments.

Mr. Huebener made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jason Williams for amendments to the

previously approved site plan for the Well, a 44-seat restaurant located at 19 Wells, to connect the restaurant to public sewer, add a dumpster and replace 12 picnic table seats with 10 porch seats be deemed complete.

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

Mr. Chalot opened the public hearing. No one came forth, so the public hearing was closed.

Ms. O'Meara noted that the applicant is looking for a change in the location of the dumpster. They will change the angle of the location.

Mr. Bodenski made the following motion:

Findings of Fact

1. Jason Williams is requesting amendments to the site plan approval for the Well, a 44 seat farm to table restaurant located at 19 Wells Rd to provide a public sewer connection, add a dumpster and add a porch, which requires review for compliance with Sec. 19-9, Site Plan Regulations.
2. The site plan amendments reflects 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 site plan amendments do provide for a system of pedestrian ways within the development.
5. The site plan amendments do provide for adequate collection and discharge of stormwater.
6. The site plan amendments will not cause soil erosion, based on the erosion plan submitted.
7. The restaurant will be provided with an adequate quantity and quality of potable water.
8. The restaurant will provide for adequate sewage disposal.
9. The restaurant will be provided with access to utilities.

10. The site plan amendments will not locate, store or discharge materials harmful to surface or ground waters.
11. The site plan amendments will provide for adequate disposal of solid wastes.
12. The site plan amendments 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 restaurant will provide for adequate exterior lighting without excessive illumination.
15. The site plan amendments will provide a vegetative buffer throughout and around the site and screening as needed.
16. The restaurant will not substantially increase noise levels and cause human discomfort.
17. Storage of exterior materials on the site that may be visible to the public will be screened by fencing or landscaping.
18. 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 amendments to the previously approved site plan for the Well, a 44-seat restaurant located at 19 Wells Road, to connect the restaurant to public sewer, add a dumpster and replace 12 picnic table seats with 10 porch seats 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 April 10, 2019.
2. That the dumpster be sited at the angle as submitted.

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

Ms. Jordan rejoined the Board.

The Board voted 6-0 to adjourn at 9:40 p.m.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary