

**Town of Cape Elizabeth
Ordinance Committee Minutes**

July 28, 2016

1:30 p.m.

Town Hall

Present: Caitlin Jordan, Chair
Sara Lennon
Jessica Sullivan

Staff: Maureen O'Meara, Town Planner

Councilor Jordan called the meeting to order. The minutes of the July 14, 2016 meeting were approved.

Public Comment

No member of the public was present.

Technical Amendments

The committee began with Article IX, Site Plan changes. The committee used both the Technical amendments document showing changes and the same provisions with changes accepted to aid in readability. The committee discussed and agreed that it still made sense to receive paper copies of the application for the Planning Board, the public and staff to review.

The committee generally liked the new organization of the submission requirements. This is the same format as was used in the updated Subdivision Ordinance.

Councilor Lennon asked how the Planning Board reviews the determination of wetlands on site plan submissions. Ms. O'Meara explained that experts with professional certifications are expected to develop the information that the applicant submits. The Planning Board conducts site visits which can reveal errors and the Planning Board can, and rarely does, exercise its right to hire an expert to review the application, at the applicant's cost. Councilor Lennon asked how significant wetlands were identified and Ms. O'Meara explained that was determined by local ordinance. Councilor Lennon asked what happens when residents disagree. Ms. O'Meara said the Planning Board relies on the best information available, and a determination by a professional usually is accepted.

The committee asked about changes to existing site plan regulations. A proposed change is to officially require elevations of each side of the proposed building. At this

time, elevations are required only to show compliance with design standards in the business districts.

Councilor Jordan noted that the Traffic submission information looks like a lot of new information will be required, but this section is also combining multiple existing sections.

Ms. O'Meara summarized the updated stormwater approach, which divides projects into 3 categories based on the amount of impervious surface to be added. The chart is a quick reference of the 3 categories, which closely reflect what actual practice has been. The committee asked about LID techniques, the value of pre and post stormwater calculations for impervious surface of less than 1 acre and general stormwater impacts.

Councilor Jordan asked how extensive the LID methods are? Ms. O'Meara said this does not need to be an onerous requirement. A lot of people are adding rain gardens as part of site plan review, at the suggestion of the Town Engineer. This change will not impact anything someone does, but only projects that trigger site plan review.

The committee asked about the photometric study change when no new lights are proposed. They also discussed how the proposed changes may strengthen the town's position in a legal challenge.

A new information requirement for noise is proposed because there is a standard of review for noise. The Planning Board tried to balance the need for information with the cost burden of providing the information. The submission requirement focuses on "unique" noise for the neighborhood and allows the applicant to use online decibel level tables as an alternative to hiring a noise engineer. Councilor Sullivan liked balancing the cost to applicants and still getting information as part of town review, and this is a reasonable approach. Committee members discussed how "unique" would be applied, which is linked to the location.

Under Waivers, Councilor Jordan confirmed that the listed waivers still allow the Planning Board some flexibility.

Councilor Sullivan asked about the current standard where "Town policy does not support construction improvements." Ms. O'Meara summarized the history of improvements considered and rejected by the Town Council at the Route 77/Shore RD/Scott Dyer Rd intersection.

The committee noted the new approach for reviewing stormwater impacts (3 categories). The committee agreed the chart made it easier to understand. Councilor Lennon asked about how minimizing cuts and fills is consistent with existing construction sites.

Ms. O'Meara noted new language encouraging connection to public water, for public health reasons. Councilor Sullivan noted that Maine has one of the highest incidents of arsenic in groundwater.

The committee discussed the setbacks for propane tanks and the landscaping standard. The involvement of the Tree Warden was noted in recent site plan reviews.

The committee asked about the footcandle measurement for lighting and the A-weighted decibel level for noise.

Changes to allow a de minimus change were discussed. The committee liked the responsiveness to applicants balanced with accountability for approved site plans.

Next Meeting

The committee will next meet on Thursday, August 11th and will continue with review of the Technical Amendments beginning on page 38, Storm Water.

Public Comment

No members of the public were in attendance.

The meeting adjourned at 3:00 p.m.