

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

These meeting minutes were prepared as a reasonable summary of the essential content of the meeting, not a transcription. In the event that there is a question or dispute about the specifics of this meeting, the official video and/or audio recordings of this meeting shall govern.

September 16, 2025

7:00 p.m.

Town Hall

Present: Andrew Gilbert
Alton Palmer
Derek LaVallee

Jim Huebener
Daniel Bodenski
Ms. Burns

Also present: Ms. O'Meara, Town Planner

Absent: Mr. Caton

CALL TO ORDER

Mr. Gilbert called the hybrid meeting (in person and virtual) to order at 7:00p.m., reviewed the procedures for participation, and established a quorum.

Mr. Gilbert called for approval of the minutes of the August 19, 2025, Planning Board meeting. Mr. Huebener made a motion to approve the minutes, and Mr. LaVallee seconded. With no further discussion, the minutes were approved, 5 in favor and none opposed.

Mr. Gilbert called for approval of the minutes of the August 5, 2025, Planning Board Workshop. Mr. Bodenski made a motion to approve the minutes, and Mr. Huebener seconded. With no further discussion, the minutes were approved, 5 in favor and none opposed.

Mr. Gilbert called for approval of the minutes of the September 2, 2025, Planning Board Workshop. Mr. Bodenski made a motion to approve the minutes, and Mr. Huebener seconded. With no further discussion, the minutes were approved, 5 in favor and none opposed.

OLD BUSINESS

Center Court Site Plan. Bob Gaudreau, Hardypond Development, is requesting site plan review and a subdivision amendment to construct a 35-unit residential apartment building to be located on lots 3 and 4 of Town Common Circle (R2-4, 6), Sec. 19-9 Site Plan and Sec. 16-2-3 Subdivision Amendment.

Ms. Burns recused herself from the discussion.

Mr. John Mitchell of Mitchell Associates addressed the Board representing the applicant. He introduced Jason Vafiades of Atlantic Resource Consultants and Mark Mueller of Mueller Architects as participants in the presentation.

Mr. Mitchell, Mr. Vafiades, and Mr. Mueller reviewed changes to the site plan made in response to comments made by Town Staff and the Planning Board.

Mr. Gilbert opened the floor for public comment on the project.

Attorney Ryan Lizanecz of Jensen Baird addressed the Board, representing Field Winds, LLC, an abutter to the project, located at 336 Ocean House Road. He stated that the revised stormwater management plan is not fully compliant with the standard of zoning ordinance 19-9-5.4. He respectfully requested that the Board withhold approval until an accurate, complete, and reliable stormwater management plan that addresses potential damage to the neighboring conservation buffer and adjacent properties is presented.

With no further comment, either in person or virtually, Mr. Gilbert closed the floor for public comment.

Mr. Huebener requested clarification on the stormwater management plan in response to Counselor Lizanecz's comments. Mr. Vafiades provided additional information on the proposed plan and stated that, in his professional opinion, the standard has been met. Mr. Huebener expressed support for the proposed plan.

Mr. Palmer noted that the applicant needs to respond to the Town Engineer's letter of September 10, 2025 prior to any site disturbance or issuance of a building permit.

Mr. Gilbert requested clarification from the Town Planner regarding maintenance agreements. Ms. O'Meara stated that the Town has a Stormwater Management Coordinator who is responsible for oversight of maintenance reports. Ms. O'Meara stated that she is confident that maintenance agreements for all Town projects are being reviewed and managed.

Mr. Huebener made a motion for the Board to consider.

Motion for Approval

Findings of Fact

1. Bob Gaudreau of Hardypond Development is requesting Site Plan Review of a 35-unit apartment building and 1-story parking garage located at 300 Town Common Circle and an amendment to the Ocean House Common Subdivision to merge lots 3 and 4, which requires review under Sec. 19-9, Site Plan Review, and Sec. 16-2-5, Amendments to a previously approved subdivision.
2. The Planning Board held a workshop on February 18, 2025, deemed the application completed on July 15th, held a public hearing on August 19, 2025 and an additional meeting on September 16, 2025. A site walk was held on July 21, 2025.
3. The subdivision amendment 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.
4. The subdivision is compatible with applicable provisions of the Comprehensive Plan and town ordinances.
5. The Ocean House Common Subdivision has been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Subdivision Ordinance, and the findings and decisions of that approval which is not altered by the proposed amendments remain in effect.

6. The plan for the development reflects the natural capabilities of the site to support development.
7. 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.
8. The plan does provide for a system of pedestrian ways within the development, subject to identification of crosswalk locations in the Town Center by the Traffic Safety Workgroup.
9. The plan does provide for adequate collection and discharge of stormwater.
10. The development will not cause soil erosion, based on the erosion plan submitted.
11. The development will be provided with an adequate quantity and quality of potable water. The development will provide for adequate sanitary wastewater disposal. The development will be provided with access to utilities. 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 development will provide a vegetative buffer throughout and around the site and screening as needed.
14. The development will provide for adequate exterior lighting without excessive illumination.
15. Signs will meet the requirements of the Sign Ordinance.
16. The development will not substantially increase noise levels and cause human discomfort.
17. No exterior storage of materials is proposed.
18. The applicant has demonstrated adequate technical and financial capability to complete the project.
19. 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 Bob Goudreau of Hardypond Development for Site Plan Review of a 35-unit apartment building and 1-story parking garage located at 300 Town Common Circle and an amendment to the Ocean House Common Subdivision to merge lots 3 and 4 be approved, subject to the following conditions:

1. That the plans and materials be revised to address the comments of the Town Engineer's letter dated September 10, 2025;
2. That a Licensed Maine Surveyor confirm that the constructed foundation complies with side yard property line setbacks before further construction of the building occurs;

3. That Town staff approve the proposed infrastructure design for the filter bed located at the southeast corner of the town hall lot;
4. That the applicant provide a copy of all required state permits; and
5. That there be no alteration of the site nor issuance of a building permit until the plans and materials have been revised to satisfy the above conditions and submitted to the Town Planner.

Mr. Palmer requested clarification on Finding #11, solid waste. Mr. Mitchell clarified that solid waste disposal will be handled internally, via a private contractor.

Mr. LaVallee seconded the motion. With no further discussion the motion passed, 5 in favor in none opposed.

NEW BUSINESS

Fort Williams Park Master Site Plan. The Town of Cape Elizabeth is requesting review of and recommendation regarding the 2021 Fort Williams Master Plan and a master site plan approval for 10 projects in the 2021 Fort Williams Master Plan and located in Fort Williams Park on Shore Road (U48-1), Sec. 19-9 Completeness and Public Hearing.

Ms. Kathy Raftice, Community Services and Fort Williams Park Director, addressed the Board. Ms. Raftice provided background on the Fort Williams Master Plan, explained the process for obtaining approval of projects outlined in the Master Plan, and described the proposed site plan review.

Sashie Misner, landscape architect, addressed the Board and described ten projects for site plan approval. Ms. Misner identified that she is directly involved with the playground project.

Ms. O'Meara clarified that the proposed site plan involves a bundle of small projects, approval of which would offer latitude to the Fort Williams Park Committee and the Community Services department in completing the projects expeditiously. In response to a question, Ms. O'Meara stated that as long as the Park Committee starts one of the projects within a year, the site plan approval for all of the projects will not expire.

Mr. Palmer noted that many of the projects involve maintenance activity; he expressed support for the plan.

Mr. Gilbert opened the floor for public comment on completeness of the application. With no comment, either virtually or in person, Mr. Gilbert closed the floor.

Mr. Bodenski made a motion for the Board to consider.

Motion for Completeness

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 Fort Williams Master Site Plan for Fort Williams Park located at 1000 Shore Rd be deemed complete.

Mr. LaVallee seconded. With no further discussion, the motion passed, 6 in favor and none opposed.

Consensus was reached that a site walk was not necessary.

Mr. Gilbert opened the floor for public comment on the merits of the application. With no comment, either virtually or in person, Mr. Gilbert closed the floor.

Mr. Bodenski made a motion for the Board to consider.

Motion for Approval

Findings of Fact

1. The Town of Cape Elizabeth is requesting Site Plan review of the Fort Williams Master Site Plan for Fort Williams Park located at 1000 Shore Rd, which requires review under Sec. 19-9, Site Plan Regulations.
2. The Planning Board discussed the project at the July 15, 2025 workshop. The application was deemed complete at the September 16, 2025 meeting, at which time a public hearing was also held.
3. The plan for development reflects the natural capabilities of the site to support development.
4. 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.
5. The plan does provide for a system of pedestrian ways within the development.
6. The plan does provide for adequate collection and discharge of stormwater.
7. The development will not cause soil erosion, based on the erosion plan submitted.
8. The development will be provided with an adequate quantity and quality of potable water from the existing water infrastructure. The development will provide for adequate sanitary wastewater disposal using existing facilities. The development will be provided with access to utilities through connection to existing on-site services. The development will provide for adequate disposal of solid wastes using existing facilities.
9. The development will not adversely affect the water quality or shoreline of any adjacent water body.
10. The development will provide a vegetative buffer throughout and around the site and screening as needed.
11. The development does provide for exterior lighting in alignment with the park not being open from dusk to dawn.
12. Signs will meet the requirements of the Sign Ordinance.
13. The development will not substantially increase noise levels and cause human discomfort.

14. No storage of exterior materials on the site is proposed.
15. The applicant has demonstrated adequate technical and financial capability to complete the project, through reliance on the existing project financing process that requires Town Council approval.
16. 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 Fort Williams Master Site Plan for Fort Williams Park located at 1000 Shore Rd be approved.

Mr. LaVallee seconded the motion. With no further discussion, the motion passed, 6 in favor and none opposed.

Mr. Bodenski made a motion for the Board to consider.

Motion for Master Plan Recommendation

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the Planning Board recommends the 2021 Fort Williams Master Plan to the Town Council for consideration.

Mr. LaVallee seconded the motion. With no further discussion, the motion passed, 6 in favor and none opposed.

1226 Shore Road Site Plan Amendment – Kristen Homicz is requesting an amendment to the previously approved Site Plan for 1226 Shore Rd to allow residential use on the first floor of an accessory structure, Sec. 19-9 Site Plan Completeness and Public Hearing.

Mr. Palmer recused himself from the discussion.

Kristen Homicz addressed the Board representing Red Tail Properties located at 1226 Shore Rd. She described the project.

Discussion ensued regarding the recommendation by Town Staff to include sidewalk striping from the edge of the two parking spaces to the existing sidewalk on Shore Rd.

Mr. Gilbert opened the floor for public comment on completeness of the application. With no comment, either virtually or in person, Mr. Gilbert closed the floor.

Mr. Huebener made a motion for the Board to consider.

Motion for Completeness

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Red Tail Properties for a Site Plan amendment to change the use of Building B, located at 1226 Shore Rd, from Retail to Residential be deemed complete.

Mr. LaVallee seconded. With no further discussion, the motion passed, 5 in favor and none opposed.

Consensus was reached that a site walk was not necessary.

Mr. Gilbert opened the floor for public comment on the merits of the application. With no comment, either virtually or in person, Mr. Gilbert closed the floor.

Mr. Huebener made a motion for the Board to consider.

Motion for Approval

Findings of Fact

1. Red Tail Properties is requesting a Site Plan amendment to change the use of Building B, located at 1226 Shore Rd, from Retail to Residential, which requires review under Sec. 19-9, Site Plan Regulations.
2. The Planning Board discussed the project at the July 15, 2025 workshop. The application was deemed complete at the September 16, 2025 meeting, at which time a public hearing was also held.
3. The 1226 Shore Road site has been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Site Plan Regulations, and the findings and decisions of that approval which is not altered by the proposed amendment remain in effect.
4. The plan for the development reflects the natural capabilities of the site to support development.
5. 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.
6. The plan does provide for a system of pedestrian ways within the development.
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 Red Tail Properties for a Site Plan amendment to change the use of Building B, located at 1226 Shore Rd, from Retail to Residential be approved, subject to the following condition:

1. That the crosswalk striping that connects the handicapped parking to the Shore Road sidewalk be completed as shown on the previously approved plan.

Mr. LaVallee seconded the motion. With no further discussion, the motion passed, 5 in favor and none opposed.

OTHER BUSINESS

Miscellaneous Amendments, Part 2 – The Cape Elizabeth Planning Board has prepared additional amendments to the Zoning and Subdivision Ordinances that make the setback for accessory structures that do not exceed 200 sq. ft. in size uniform at 10' and eliminate the option for the financial capability review to be done by the Town Manager, Sec. 19-10-3, Ordinance Amendment Public Hearing.

Mr. Gilbert introduced that agenda item and explained the procedure for the discussion.

Mr. Gilbert opened the floor for public comment on the agenda item. With no comment, either virtually or in person, Mr. Gilbert closed the floor.

Discussion ensued. Ms. O'Meara stated that no public comment on the item had been received.

Mr. LaVallee made a motion for the Board to consider.

Motion for the Board to Consider.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the Planning Board recommends the Miscellaneous Amendments Part 2.

Mr. Gilbert seconded the motion. With no further discussion, the motion passed, 6 in favor and none opposed.

Public Comment. Mr. Gilbert opened the floor for general public comment. With no comment, either in person or virtually, Mr. Gilbert closed the floor.

Ms. Burns made a motion to adjourn the meeting. Mr. Bodenski seconded. With no further discussion, the motion passed, 6 in favor and none opposed.

The meeting was adjourned at approximately 8:44 p.m.

Respectfully submitted,
Lucy E. Bauer, Minutes Secretary