

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.

November 18, 2025

7:00 p.m.

Town Hall

Present: Andrew Gilbert
Alton Palmer
Matthew Caton

Jim Huebener
Derek LaVallee
Natalie Burns

Also present: Ms. O'Meara, Town Planner and Ms. Bauer, Minutes Secretary

Absent: Mr. Dan Bodenski

CALL TO ORDER

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

Mr. Gilbert called for approval of the minutes of the October 21, 2025, Planning Board meeting. Ms. Burns made a motion to approve the minutes, and Mr. Huebener seconded. With no further discussion, the minutes were approved, 6 in favor and none opposed.

NEW BUSINESS

St. Bart's Childcare Center. St. Bartholomew's Church is seeking Site Plan Review and a Conditional Use Permit to establish a 62-person day care facility within the existing St. Bartholomew's Church located at 8 Two Lights Rd (U37-4), Sec. 19-9, Site Plan Public Hearing and Sec. 19-5-5, Conditional Use Permit Public Hearing.

Mr. Huebener disclosed that he is a member of St. Bartholomew's Church and stated that he can be impartial in the discussion of the application. The Planning Board concurred.

Mr. Travis Nadeau of Platz Associates Architects addressed the Board representing the applicant. He reviewed the changes to the plans, to include traffic flow, signage, lighting, waste management, utilities, noise levels, and the financial & technical capacity of the applicant.

Mr. Gilbert requested clarification on the designated parking spaces for the childcare center as well as the location of the "Do Not Enter" sign for traffic flow.

Ms. Burns requested clarification on the time frame for connection to public sewer. Mr. Nadeau replied that the projected deadline is August 1st. Ms. Burns suggested that a specific deadline for the connection be a condition of approval of the application.

Mr. Palmer stated that the applicant has failed to meet the burden of meeting the standard specific to wastewater management. He noted the lack of evidence for both the capacity of the current subsurface waste disposal system and the connection to public sewer. Discussion ensued.

Mr. Steve Harding, Town Engineer, was in the audience and invited to address the Board. He described the process for connecting the subsurface system into public sewer. He stated that he does not anticipate any issues with the connection. He acknowledged that the Town Public Works Director is responsible for identifying any issues with the connection to public sewer while the Town Code Enforcement Officer is responsible for identifying issues with the subsurface septic system.

Ms. O'Meara stated that two reviews are required, one for the subsurface septic system and one for the connection to public sewer. The required evidence involves using subsurface wastewater standards to determine the expected wastewater flows for a 62-person daycare. The applicant will not be able to move forward with the project until the Town Code Enforcement Officer is satisfied that the septic system is adequate.

Discussion ensued regarding proposed conditions of approval for the application.

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

Further discussion on proposed conditions of approval ensued.

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

Findings of Fact

1. The Roman Catholic Bishop of Portland is requesting Site Plan Review and a Conditional Use Permit to open a 62-person daycare facility in St. Bartholomew's Church, located at 8 Two Lights Rd (U37-4), which requires review for compliance with Sec. 19-9, Site Plan Regulations, Sec. 19-5-5, Conditional Use Permit and Sec. 19-8-8 (B), Approval of Day Care Facilities.
2. The Planning Board discussed the project at the August 5, 2025 workshop. The application was deemed complete October 21, 2025, a site visit was conducted October 24th and a public hearing held November 18, 2025.
3. The plan for the 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. The development will provide for adequate sanitary wastewater disposal, subject to conditions below. The development will be provided with access to utilities. The development will provide for adequate disposal of solid wastes.
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 will provide for adequate exterior lighting without excessive illumination.
12. Signs will meet the requirements of the Sign Ordinance.
13. The development will not substantially increase noise levels and cause human discomfort.
14. Storage of exterior materials on the site that may be visible to the public will be screened by fencing or landscaping.
15. The applicant has demonstrated adequate technical and financial capability to complete the project.
16. Any conditions prescribed for the project will be satisfied.
17. The project will not create hazardous traffic conditions.
18. The project will not create unsanitary conditions by reason of sewage disposal, emissions to the air, or other aspects of its design or operation;
19. The project will not adversely affect the value of adjacent properties.
20. The project is compatible in site plan and layout with adjacent property uses and with the comprehensive plan.
21. The project design and external appearance will constitute an attractive and compatible addition to the neighborhood.
22. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-5-5 Conditional Use Permit.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Roman Catholic Bishop of Portland for Site Plan Review and a Conditional Use Permit to operate a 62-person day care facility in St. Bartholomew's Church, located at 8 Two Lights Rd (U37-4), be approved subject to the following conditions:

1. That the plans and materials be revised to address the comments of the Town Engineer in his letter dated 11-11-2025;
2. That the estimated sanitary wastewater flows for the proposed use be submitted for confirmation that there is adequate capacity in the public sewer system to accommodate the proposed sewer connection and that such connection be completed by August 1, 2026 if such capacity exists.
3. That information requested by the Code Enforcement Officer be provided to demonstrate adequate capacity of the existing subsurface wastewater system to temporarily accommodate sanitary wastewater flows until the new public sewer connection is made.
4. 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 submitted to the Town Planner.

Ms. Burns seconded the motion. With no further discussion the motion passed, 5 in favor and 1 opposed (Palmer).

NEW BUSINESS

2025 RP Permit Greenbelt Improvements – The Town of Cape Elizabeth is requesting a Resource Protection Permit to alter 3,098 sq. ft. of RP1 and RP2 wetlands to install boardwalks on existing trails located on Dyer Woods, Cottage Brook, Canterbury, Town Center, and the Highlands properties, Sec. 19-8-3 Resource Protection Permit Completeness and Public Hearing.

Steve Harding, Town Engineer, addressed the Board and summarized the project.

Mr. Gilbert disclosed that one of the trails runs through his neighborhood and stated that he can be impartial in the discussion of the application.

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

Discussion ensued on requested waivers. No objections were expressed by the Board.

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

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Town of Cape Elizabeth for a Resource Protection Permit to alter 3,098 sq. ft. of RP1 and RP2 wetlands for boardwalk improvements on Dyer Woods, Cottage Brook, Canterbury, Town Center, Highlands, Gull Crest, Winnick Woods, and Cross Hill town open space be deemed complete.

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

Consensus was reached that a site walk is not necessary.

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

Mr. Caton made a second motion for the Board to consider.

Findings of Fact

1. The Town of Cape Elizabeth is requesting a Resource Protection Permit to alter 3,098 sq. ft. of RP1 and RP2 wetland for boardwalk improvements on Dyer Woods, Cottage Brook, Canterbury, Town Center, Highlands, Gull Crest, Winnick Woods, and Cross Hill town open space, which requires a Resource Protection Permit under Sec. 19-8-3.
2. The Planning Board held a workshop to discuss the project on October 7, 2025.
3. The project will not materially obstruct the flow of surface or subsurface waters across or from the alteration area;
4. The project 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;
5. The project 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;
6. The project will not result in significant damage to spawning grounds or habitat for aquatic life, birds, or other wildlife;
7. The project will not pose problems related to the support of structures;
8. The project will not be detrimental to aquifer recharge or the quantity or quality of groundwater;
9. The project will not disturb coastal dunes or contiguous back dunes areas;
10. The project will maintain or improve ecological and aesthetic values;
11. The project is located in wetland areas and, upon completion, will maintain an adequate buffer area between the wetland and adjacent land uses;
12. The project 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;
13. The project 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

14. The project is not located in a floodplain.

15. The application substantially complies with 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 the Town of Cape Elizabeth for a Resource Protection Permit to alter 3,098 sq. ft. of RP1 and RP2 wetland for boardwalk improvements on Dyer Woods, Cottage Brook, Canterbury, Town Center, Highlands, Gull Crest, Winnick Woods, and Cross Hill town open space be approved.

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

Center Court Site Plan Amendment – Joe Geoghegan of Tidemark LLC and ProCon LLC is requesting review of financial and technical capability as the pending new owner of the previously approved site plan for Center Court, a 35-unit building located at 300 Town Common Circle (R2-4-6-3, R2-4-6-4), Sec. 19-9 Site Plan Amendment Completeness and Public Hearing.

Ms. Burns identified a conflict of interest and recused herself from consideration of the agenda item.

Mr. John Mitchell of Mitchell & Associates addressed the Board representing Tidemark LLC and summarized the project.

Bob Gaudreau addressed the Board and stated his desire to transfer ownership of the project to Joe Geoghegan of Tidemark LLC and ProCon LLC.

Joe Geoghegan addressed the Board and described the financial and technical capability of the development team at Tidemark LLC and ProCon LLC.

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

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

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Joe Geoghegan of Tidemark LLC for an amendment to the previously approved Center Court site plan, located at 300 Town Common Circle, to amend the project owner, as well as to extend the subdivision approval by 90 days be deemed complete.

Mr. LaVallee seconded the motion. With no further discussion, either in person or virtually, the motion passed with 5 in favor and none opposed.

Consensus was reached that a site walk is not necessary.

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

Discussion ensued regarding the Town's performance guarantee procedure. Ms. O'Meara stated that the Town has an extensive history of managing performance guarantees.

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

1. Joe Geoghahan of Tidemark LLC is requesting an amendment to the previously approved Center Court site plan, located at 300 Town Common Circle, to amend the project owner, as well as to extend the subdivision approval by 90 days which requires review under Sec. 19-9, Site Plan Regulations and Sec. 16-2-6 (B), Subdivision Amendment.
2. The Planning Board discussed the amendment at the November 4, 2025 workshop.
3. The applicant has demonstrated adequate technical and financial capability to complete the project.
4. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 16-2-5, Subdivision Ordinance.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Joe Geoghahan of Tidemark LLC for an amendment to the previously approved Center Court site plan, located at 300 Town Common Circle, to amend the project owner, as well as to extend the subdivision approval to February 16, 2026 be approved.

Mr. LaVallee seconded the motion. With no further discussion, either in person or virtually, the motion passed with 5 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.

Mr. Caton made a motion to adjourn the meeting. Mr. LaVallee seconded. With no further discussion, the motion passed, 5 in favor and none opposed.

The meeting was adjourned at approximately 8:47 p.m.

Respectfully submitted,
Lucy E. Bauer, Minutes Secretary