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.

July 21, 2026 7:00 p.m. Town Hall

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| Present: | Andrew Gilbert | |
| | Alton Palmer | Matthew Caton |
| | Derek LaVallee | Natalie Burns |
| | Daniel Bodenski | Carol Anne Jordan |

Also present: Ms. O'Meara, Town Planner

**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 May 19, 2026, Planning Board meeting. Ms. Burns requested correction of a typo on p. 3, third paragraph. The word, "play" should be changed to "plan." Mr. LaVallee requested correction of the misspelling of his name at the bottom of p. 3. Ms. Burns made a motion to approve the minutes as amended, and Mr. LaVallee seconded. With no further discussion, the minutes were approved, 7 in favor and none opposed.

Mr. Gilbert called for approval of the minutes of the June 16, 2026, Workshop minutes. Mr. LaVallee made a motion to approve the minutes. Ms. Burns seconded. With no further discussion, the minutes were approved, 7 in favor and none opposed.

**NEW BUSINESS**

**Cape Commons Site Plan Review.** GreenMars Real Estate Services is requesting site plan review for a Commercial /18-unit mixed use building located at 316 Ocean House Rd, Sec. 19-9, Site Plan Completeness.

Travis Letellier, Senior Civil Engineer with GreenMars Real Estate Services, addressed the Board and introduced the project. The 5000 square foot building will include commercial space on the first floor and 18 residential units on the second and third floors of the building.

Mr. Letellier summarized the following elements of the plan: parking, traffic flow, utilities, stormwater management, landscaping, and the connectivity between the parking lot of the project and the Town lot. Mr. Letellier noted that comments from Town staff are under review and not yet illustrated on the plans.

Mr. LaVallee asked for clarification on the definition of a "live/work space." Oscar Wilkerson of GreenMars Real Estate Service addressed the Board and stated that a "live/work space" is part of the residential code which allows for an apartment to be attached to a commercial space. He explained that this could be a benefit for a small business in need of a commercial address.

Ms. Burns requested clarification of the building schedule. Mr. Wilkerson stated that, if required project approvals are granted without delays, construction could commence in the summer of 2027.

Mr. Caton requested clarification on the authoritative body responsible for the sidewalk located along the north side of the Town Hall. Mr. Letellier responded that the sidewalk was discussed with both Town Staff and the Town Council. Ms. O'Meara noted that the Town Council will be granting an easement to the applicant for the driveway access.

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

Mr. LaVallee 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 GreenMars Real Estate Services for site plan review to construct a mixed-use building located at 316 Ocean House Rd be deemed complete.

Ms. Burns seconded the motion. With no further discussion, the motion passed, 7 in favor and none opposed.

Mr. Gilbert queried the Board on interest in a site walk. Consensus was reached on scheduling a site walk. The site walk was subsequently scheduled for July 24 at 5:30 p.m.

Discussion ensued regarding traffic flow between the proposed project and the Town Hall lot.

Mr. Gilbert referenced a comment submitted by L.P. Murray & Sons, an abutter to the project, pertaining to equipment noise associated with their business. Mr. Gilbert noted that noise abatement between the two properties is limited. Mr. Letellier stated that the applicant is aware of the comment, has met with the business owners and intends to be a supportive neighbor.

Mr. Caton queried the Board about whether the site plan should include a comment which addresses the concerns of L.P. Murray and Sons pertaining to noise. Mr. Caton quoted a specific comment by L.P. Murray stating that, "while we [L.P. Murray] know we are grandfathered and are a part of the business district, we ALL KNOW and have seen businesses forced out." Mr. Caton noted that it's not clear what the comment refers to. Mr. Wilkerson responded that the applicant hopes to bring new business to the Town and understands the implications of existing next to an earthworks and construction business.

Mr. Palmer requested clarification on Town Center zoning and the illustration of the live/work units on the plans. Mr. Letellier responded that the site plan will be updated to reflect six live/work units.

Mr. Bodenski asked if the applicant had considered where a generator and condensers would be located. Mr. Letellier responded that mechanical infrastructure would likely be in located in the rear of the building. Mr. Gilbert encouraged the applicant to add detail specific to a generator to the plan.

Mr. LaVallee 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 GreenMars Real Estate Services for site plan review to construct a mixed-use building located at 316 Ocean House Rd be tabled to the August 18, 2026 meeting of the Planning Board, at which time a public hearing will be held.

Ms. Jordan seconded the motion. With no further discussion, the motion passed, 7 in favor and none opposed.

**OTHER BUSINESS**

**Paperwork Reduction Amendments**. The Planning Board will hold a public hearing on amendments to the Zoning and Subdivision Ordinances that create a Planning Application Submission Policy and reduce paper submission requirements, Sec. 19-10-3, Amendments, Public Hearing.

Mr. Gilbert stated that the proposed policy only changes how material is submitted to the Board. It does not change any requirements of the process.

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

Ms. Burns noted that the Subdivision Ordinance Sec 16-2-3, subsection “a” outlines the number of copies that need to be submitted and, therefore, should be changed to be consistent with the proposed policy. In addition, Sec 16-2-4, subsections “a” and “c” will also need to be revised. Finally, on p. 1, line 29 of the amendments, the text should read, “Application for Major Subdivision Review . . . .”

Ms. Jordan questioned whether exceptions to PDF submissions, i.e. scanned documents, should require prior approval. Discussion ensued and Mr. Palmer suggested that the Town Planner would approve the exception.

Ms. Burns questioned whether language in the proposed policy on line 11, “. . . in accordance with the Subdivision and Zoning Ordinances” should include additional ordinances. Ms. O’Meara suggested that this language be struck from the document to allow the policy to be applied broadly. The Board agreed.

Mr. Caton questioned how the effective date of changes to an ordinance is entered. Ms. O’Meara stated that the Town Clerk establishes the date which is 30 days after the Town Council votes to approve the change. She further stated that she needs to determine how the effective date of the new policy (month, day, and year) is established. Mr. Caton noted that establishing the date of the new policy will allow for tracking of any subsequent amendments.

Mr. LaVallee noted that the Board received comments from John Mitchell of Mitchell & Associates in support of three of the amendments.

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

BE IT ORDERED that, based on the amendments, policy and the information presented, the Planning Board recommends the Paper Reduction Amendments to the Town Council for consideration.

Ms. Burns seconded and proposed an amendment to the motion. She proposed an amendment to the Subdivision and Zoning Ordinance 16-2-3 (a) and 16-2-4 (a) and 16-2-4 (c) to make them consistent with the new policy. The proposed amendments will eliminate the need for multiple copies to be submitted. Mr. Caton accepted the proposed changes.

With no further discussion, the motion passed, 7 in favor and none opposed.

**Public Comment.** Mr. Gilbert opened the floor for general public comment.

Ms. O'Meara stated that an applicant who is preparing to submit materials has asked if the proposed amendments approved by the Board this evening for submission to the Town Council could be used as a guideline before final approval is achieved. She noted that the Planning Board has the authority to waive submission requirements. There were no objections from the Board.

With no further comment, Mr. Gilbert closed the floor.

Ms. Jordan made a motion to adjourn the meeting. Ms. Burns seconded. With no further discussion, the motion passed, 7 in favor and none opposed.

The meeting was adjourned at approximately 7:50 p.m.

Respectfully submitted,
Lucy E. Bauer
Minutes Secretary