

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

January 19, 2021

7:00 p.m. Remote meeting

Present:	James Huebener, Chair Daniel Bodenski Andrew Gilbert	Carol Anne Jordan Mary Ann Lynch Alton Palmer Jonathan Sahrbeck
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Also present was Maureen O'Meara, Town Planner.

As a result of the COVID-19 virus, the Planning Board will conduct the meeting via remote access as provided by Maine law. The Planning Board will use Zoom meeting to conduct the meeting and to allow the public to remotely attend and participate. Zoom will allow all Planning Board members, applicants, and members of the public to hear all discussion and hear votes, which will be taken by roll call, as required by law.

CALL TO ORDER

Mr. Huebener called the meeting to order, then called for the election of officers

Election of Officers

Ms. Jordan nominated Mr. Huebener as chair, seconded by Mr. Bodenski. He was elected 7-0.

Mr. Gilbert nominated Mr. Sahrbeck as vice-chair, seconded by Mr. Bodenski. He was elected 7-0.

Approval of minutes of December 15, 2020. The minutes were approved with one minor correction, 6-0-1 (Palmer abstain).

CONSENT AGENDA

Tarbox Triangle Subdivision Amendment extension - Two Penguin Properties LLC is requesting a 90 day extension of the amendments to the subdivision approved by the Planning Board on October 20, 2020, Sec. 16-2-6 (b), Post Approval Requirements.

Rick Dunton said they are requesting a 90 day extension of the approval. They need more time to finish the list of conditions.

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

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted, the approval granted October 20, 2020, and the applicant's extension request, the Planning Board approval of the amendments to the Tarbox Triangle subdivision, located on Hill Way, is extended 90 days, and will expire on April 19, 2021.

Ms. Jordan seconded and the motion passed, 7-0.

NEW BUSINESS

Could 25 Hunts Point Rd Subdivision Amendment - Scott and Kristen Gould are requesting an amendment to the previously approved Broad Cove Subdivision to merge two lots located at 25 Hunts Point Rd, Sec. 16-2-5, Amendment to a previously approved subdivision completeness and public hearing.

Scott Gould showed a plan of his proposal. He owns two adjoining lots and wants to merge so he can build a garage next to their house.

Mr. Huebener opened the public comment on completeness. No one indicated a desire to speak, so the public comment was closed.

Ms. Lynch made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Scott and Kristin Gould for an amendment to the Broad Cove Subdivision to merge a "private way" lot with their adjacent home lot, located at 25 Hunts Point Rd be deemed complete.

Ms. Jordan seconded the motion and it was approved, 7-0.

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

Mr. Sahrbeck said that this is a pretty standard request, and he has no issues with it.

Ms. Jordan asked if anyone else has a right to the right of way.

Ms. O'Meara said they have not made that determination because the right of way will be preserved. All that is being eliminated is the stand alone lot that the right of way sits in. The addition of the lot gives Mr. Gould enough of a setback to build his garage. No building will be built on the right of way.

Mr. Palmer said the original plan showed the right of way to be 40 ft.

Mr. Gould said they will not encroach on the right of way.

Mr. Gilbert asked if the back lot can be split.

Mr. Gould said there are wetlands and a pool there.

Ms. O'Meara said the land behind is part of the Highlands subdivision, and there is no possibility to further subdivide.

Mr. Sahrbeck made the following motion:

Findings of Fact

1. Scott and Kristin Gould are requesting an amendment to the Broad Cove Subdivision to merge a "private way" lot with their adjacent home lot, located at 25 Hunts Point Rd, which requires review under Sec. 16-2-5, Amendments to previously approved subdivisions.
2. The Broad Cove Subdivision have been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Subdivision Ordinance, and the findings and decisions of those approvals which are not altered by the proposed amendments remain in effect.
3. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Scott and Kristin Gould for an amendment to the Broad Cove Subdivision to merge a "private way" lot with their adjacent home lot, located at 25 Hunts Point Rd be approved.

Ms. Jordan seconded and the motion passed, 7-0.

Public Comment

Mr. Huebener opened the public comment. No one was there to comment so the public comment was closed.

The Board voted unanimously to adjourn at 7:30 pm.

Respectfully submitted,

Hiromi Dolliver
Minutes Secretary