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.

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| June 17, 2025 | 7:00 p.m. | Town Hall |

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| Present: | Andrew Gilbert | Jim Huebener |
| | Daniel Bodenski | Matthew Caton |
| | Natalie Burns | Derek LaVallee |
| | Alton Palmer | |

Also present: Ms. O'Meara

**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 May 20, 2025, Planning Board meeting.

Mr. Huebener made a motion to approve the minutes and Ms. Burns seconded. With no further discussion, the minutes were approved, 7 in favor and none opposed.

**NEW BUSINESS**

**Cape Community Temporary Ice Rink Site Plan Amendment**. The Town of Cape Elizabeth is requesting amendments to the site plan approval for the Temporary Ice Rink located on Gull Crest Drive to align the site plan with the use of the site, Sec. 19-9, Site Plan Completeness.

Mr. Huebener disclosed that he is a Zamboni driver for the rink and stated that he can remain impartial in the discussion. Consensus was reached on allowing Mr. Huebener to participate in the discussion.

Mr. Gilbert noted the absence of the applicant in the chambers. Ms. O'Meara established that the applicant was on his way to the meeting. Mr. LaVallee made a motion to adjourn the meeting for 10 minutes to allow the applicant to arrive. Mr. Bodenski seconded the motion. With no further discussion, the meeting adjourned for 10 minutes.

Mr. Gilbert resumed the meeting at approximately 7:20 p.m. He introduced the agenda item and reviewed the procedure for the review.

Mr. Mike Bachman, representing the applicant, addressed the Board. He reviewed the changes to the site plan.

Mr. Gilbert opened the floor for public comment on the issue of completeness of the application.

Lynn Sayer of 61 Brentwood Rd addressed the Board as a representative of the Gull Crest Community Garden. She referenced the June 11, 2025 letter to the Board from Stephen Harding of Sebago Technics, Inc and, specifically, the recommendations pertaining to the storage tank for fuel. She stated that, because the community garden is downhill from the location of the tanks, she recommended that secondary containment for the tank be required. She further stated that the garden is located downstream from the rink, parking lot, and fuel tank. Any leakage from these areas would render the garden null and void. She also asked for clarification on the application checklist items pertaining to stormwater and erosion control. She noted that the applicant entered “N/A” on both checklist items. She stated that the garden receives runoff from both stormwater and ice from the Zamboni. She requested clarification on the conditions to be met for these items.

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

Ms. O’Meara clarified that the material before the Board involves amendments to the original approval for the temporary rink. The original application included both stormwater and erosion control plans. The proposed amendments to the plan do not include changes to the plans for stormwater and erosion control; therefore, these items are “N/A” on the checklist.

Mr. Palmer requested clarification on whether a public hearing was required. Ms. O’Meara stated that it is not required.

Mr. Gilbert noted that the material submitted by the applicant outlining the proposed changes was very hard to read. He requested that the applicant submit a full-size plan ahead of the next Planning Board meeting. Ms. Burns requested that the plan include a scale, as required by the ordinance.

Mr. LaVallee noted that the plan submitted does not include illustration of a barrier between the edge of the parking lot and adjacent structures (warming tent and viewing platform); the barrier is a recommendation made by Town staff.

Mr. Huebener stated that he is hesitant to deem the application complete without a written description of how the applicant intends to address concerns raised by the Town Engineer, Public Works Director, and Town staff.

Mr. Palmer noted that the amendments lack narrative detail regarding plans for revegetation on the off-season. He noted that the Town cannot waive DEP regulations and, without evidence of revegetation, the Town would be out of compliance with DEP regulations.

Ms. O’Meara clarified that, when the original DEP application was submitted, the conditions were that the site would be considered temporary and, as a result, would be loamed and seeded by the Cape Community Arena Group every season. If the site is not revegetated every season, a DEP permit amendment is needed.

Mr. Gilbert noted that the current sign board at the rink is not in compliance with the Town Sign Ordinance.

Discussion ensued on the completeness of the application. Board members offered suggestions to the applicant for ways to address incomplete items. They emphasized inclusion of a written narrative and a site plan that clearly illustrates the changes. Mr. Palmer encouraged the applicant to work with Town staff to obtain signoffs on the applicant's plans to address elements of concern. It was acknowledged that failure to address elements of concern could jeopardize the use of the rink in the 2025-2026 season.

With no further discussion, 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 amendments to the Site Plan for the Temporary Ice Rink located on Gull Crest Drive to bring the project into site plan compliance be deemed incomplete.

Mr. Palmer seconded the motion.

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

**OTHER BUSINESS**

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

The meeting was adjourned at approximately 7:54 p.m.

Respectfully submitted,
Lucy E. Bauer
Minutes Secretary