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 15, 2025 7:00 p.m. Town Hall

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

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 June 17, 2025, Planning Board meeting. Mr. Huebener noted the incorrect spelling of Mr. Mike Backman's name on p. 1.

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

OLD 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.

Mike Backman, Board member of Cape Elizabeth Community Arena, addressed the Planning Board. He apologized for his lack of preparedness at the June Planning Board meeting and expressed his understanding and respect for the process required to obtain approval of his application. He summarized the project and reviewed changes to the site plan. He provided clarification on the representation of the fence on the site plan.

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. Huebener made a motion for the Board to consider.

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 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 complete.

Mr. Caton 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. The consensus was that a site walk was not necessary.

Ms. O'Meara clarified that a public hearing is not required for a site plan.

Mr. Gilbert opened a discussion on the merits of the application. Mr. Huebener suggested an administrative change to the title block in order to differentiate the revised site plan from the original site plan. He requested that a label be added to the revised site plan identifying the storage structure for the Zamboni. He also suggested the addition of a note indicating that the structure would be heated.

Mr. Gilbert expressed support for Mr. Huebener's comments and suggested correction of minor typos on the site plan.

Mr. Palmer referenced a letter from Mitchell Associates which outlines a request to the DEP for a one-year waiver on loaming and seeding the site in the off-season. Mr. Palmer questioned whether Planning Board approval should be conditioned on off-season resurfacing. Ms. O'Meara clarified that Planning Board approval could be conditioned on the applicant seeking an amendment from the DEP, thereby leaving the decision on the requested waiver to the DEP.

Ms. Burns requested clarification on the replacement of rubber curb stops with Jersey Barriers. Mr. Backman stated that standard Jersey Barriers would be installed. Mr. Gilbert stated that this detail should be depicted on the site plan.

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

Motion for Approval

(Please note that when an application requests amendments to a prior approval, only findings that relate to the proposed amendments are prepared for Planning Board consideration.)

Findings of Fact

1. The Town of Cape Elizabeth is requesting amendments to the Site Plan for the Temporary Ice Rink located on Gull Crest Drive to bring the project into site plan compliance, which requires review under Sec. 19-9, Site Plan Regulations.

2. The Planning Board discussed the project at the January 7, 2025 workshop and deemed the application complete on July 15, 2025.

3. The Temporary Ice Rink at Gull Crest has been previously approved by the Cape Elizabeth Board to be in compliance with the Site Plan regulations, and the findings and decisions of those approvals which are not altered by the proposed amendments 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 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 waste.

7. The development will not adversely affect the water quality of shoreline of any adjacent water body.

8. Storage of exterior materials on the site that may be visible to the public will be screened by fencing or landscaping, or in a location designated for outdoor storage.

9. 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 amendments to the Site Plan for the Temporary Ice Rink located on Gull Crest Drive to bring the project into site plan compliance be approved, subject to the following conditions:

1. That the plans and materials be revised to address the comments of the Town Engineer's July 8, 2025 letter;

2. That there be no use of the site for ice skating until town staff have confirmed that building, life safety code and public property protocols have been addressed on the site.

3. That there be no alteration of the site until the plans have been revised to address the above conditions and submitted to the town planner for review.

4. That the applicant provides a copy of the response from the DEP regarding the site plan request.

5. That the applicant verifies that Jersey Barriers will be installed, reviewed and approved by the Fire Chief.

Ms. Burns seconded the motion.

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

NEW 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 Completeness and Sec. 6-2-3 Subdivision Completeness.

Ms. Burns stated that she has a conflict of interest in this matter and recused herself from the discussion.

Mr. Robert Mitchell of Mitchell Associates addressed the Board, representing the applicant, Bob Gaudreau of Hardypond Development. He identified the presence of Mark Mueller of Mueller Architects. Mr. Mitchell described the project and reviewed the site plan. He reviewed a proposed subdivision amendment to merge lots 3 and 4 of the Ocean House Common Subdivision. He reviewed comments from town staff.

Mr. Mark Mueller of Mueller Architects addressed the Board and described the architecture for the project. Discussion ensued on the specifications for the building elevator.

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

With no comment, either in person or virtually, Mr. Gilbert closed the floor for comment. In response to a question, Ms. O'Meara noted that she had not received any emails from the public to the Planning Board about the project.

Mr. Gilbert requested clarification on the proposed drainage for the project specific to the filtration bed in the stormwater management plan. Mr. Mitchell explained that the proposed plan for drainage will not change the capacity of the existing filtration bed. He reviewed the Focal Point biofiltration systems on the plans.

Mr. Caton asked how the applicant can alter the Town's property on the northern border of the project. Mr. Mitchell stated that Dr. David Jacobson, owner of Two Lights Dental, obtained an easement when the subdivision was approved.

Mr. Gilbert requested clarification on the design of the drip edges specific to the stormwater management plan. Mr. Mitchell stated that the flat roofing will have internal drains. Mr. Mueller provided additional detail about the architectural features for handling stormwater flow.

Mr. Gilbert asked if the project would include a generator. Mr. Mueller stated that the project does not include a generator. Mr. Gilbert cautioned that the addition of a generator would likely require measures to address noise mitigation.

Mr. Palmer referenced the town center scale requirements and suggested that the applicant provide a narrative in the next submission that demonstrates compliance with the ordinance.
Mr. Huebener made a motion for completeness.

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 Bob Gaudreau of Hardypond Development for Site Plan Review of a 35-unit apartment building and a 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 deemed complete.

Mr. LaVallee seconded.

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 for a site walk which was subsequently scheduled for Monday, July 21, 2025 at 5:30 p.m.

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

Motion to Table

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Bob Gaudreau of Hardypond Development for Site Plan Review of a 35-unit apartment building and a 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 tabled to the regular August 19, 2025 meeting of the Planning Board, at which time a public hearing shall be held.

Mr. LaVallee 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.

Mr. Huebener made a motion to adjourn the meeting. Mr. Caton seconded. With no further discussion, the motion passed, 7 in favor and none opposed.

The meeting was adjourned at approximately 8:18 p.m.

Respectfully submitted,
Lucy E. Bauer
Minutes Secretary