

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.

August 19, 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 7:00p.m., reviewed the procedures for participation, and established a quorum.

Mr. Gilbert called for approval of the minutes of the July 15, 2025, Planning Board meeting.

Mr. Huebener requested the addition of the word, "review," to p. 2, paragraph 4 of the minutes, thereby amending the sentence to "Ms. O'Meara clarified that a public hearing is not required for a site plan review." With no further edits, Mr. Huebener 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.

OTHER BUSINESS

Miscellaneous Amendments – The Cape Elizabeth Planning Board has prepared a modest number of Miscellaneous Amendments to the Subdivision and Zoning Ordinances, Sec. 19-10-3, Public Hearing.

Mr. Gilbert introduced the agenda item and asked Ms. O'Meara to provide a summary of the proposed amendments. Ms. O'Meara referenced the memorandum on the agenda item and summarized the proposed changes to several miscellaneous amendments to the Subdivision and Zoning Ordinance.

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

Mr. Gilbert noted that the language for setbacks of accessory structures (page 2 / line 13) should be amended from "two hundred feet is the same setback for pools . . . to "two hundred square feet is the same setback . . ." Ms. O'Meara noted that tool sheds are the most common accessory structure reviewed by the code enforcement department. Ms. O'Meara also noted a typo in the last line of 2/13, stating that "A fifteen" should be deleted.

Mr. Gilbert noted the variation in accessory structure setback lengths in the proposed amendments and questioned whether setback requirements could be more streamlined. Discussion ensued. Consensus was reached to defer consideration of changes to the proposed accessory structure setbacks.

Mr. Caton asked Ms. O'Meara to review the recommendations made by the Town Attorney for the proposed amendments. The Town Attorney recommends deleting the sentence on page 2, line 3 specific to proposed changes in the length of time to record a variance so that the ordinance remains consistent with State law. On p. 7, line 17, the Town Attorney recommends changing the word, "to," to "may" in the sentence beginning, "The agricultural land"

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

Motion for the Board to Consider

BE IT ORDERED that, based on the materials prepared and the facts presented, the Planning Board recommends the Miscellaneous Amendments, as amended, to the Town Council for consideration.

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

OLD 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 Public Hearing and Sec. 6-2-3 Subdivision Public Hearing.

Mr. Gilbert excused Ms. Burns from the discussion due to a conflict of interest.

Mr. John Mitchell of Mitchell Associates addressed the Board representing the applicant. He introduced Jason Vafiades of Atlantic Resource Consultants and Mark Mueller of Mueller Architects as participants in the presentation.

Referring to his letter of August 4, 2025, Mr. Mitchell reviewed the responses to comments made by Town Staff and the Planning Board.

Mr. Jason Vafiades of Atlantic Resource Consultants addressed the Board. He reviewed the stormwater management plan for the project and answered clarifying questions from Board members.

Mr. Mark Mueller of Mueller Architects addressed the Board and reviewed architectural details of the project specific to exterior colors, noise levels of mechanical equipment, the elevator override, the parking garage, siding and roofing materials. Bob Gaudreau addressed the Board to describe the choice of Logic windows for the project. Mr. Mueller answered clarifying questions from Board members.

Mr. Gilbert opened the floor for public comment on the project.

Attorney Ryan Lizanecz of Jensen Baird addressed the Board, representing Field Winds, LLC, an abutter to the project, located at 336 Ocean House Road. He referenced written public comment submitted to the Board expressing environmental concerns about the stormwater management plan for the project. He stated that the proposed stormwater management plan does not meet the standard of zoning ordinance 19-9-5.4. He stated that Walsh Engineering was engaged to conduct an independent review of the stormwater plan for the project. The findings of the independent review raised concerns that the proposed stormwater management plan does not address potential damage to the neighboring conservation buffer or adjacent properties. He urged the Board to withhold approval of the plan until the applicant addresses concerns for increased flooding, erosion, and long-term damage to soil and vegetation. He urged the Board to consider a revised stormwater management plan that would be based on current conditions of the site.

David Jacobson of 215 Spurwink Ave. addressed the Board. He identified himself as an owner of lots 3 and 4 in Town Common Circle and expressed support for the project.

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

Mr. Gilbert asked the applicant to address the concerns outlined in the written public comment submitted by Counselor Lizanecz.

Mr. Jason Vafiades of Atlantic Resource Consultants addressed the Board. He acknowledged the review by Walsh Engineering and expressed disagreement with the methodology of the findings. He stated that multi-phase projects typically build off previously approved models. He reviewed details of the proposed stormwater management plan that address concerns expressed in public comment.

Mr. Gaudreau of Hardypond Development addressed the Board and reviewed details of the architectural plan that address concerns expressed in public comment specific to the use of gutters and stormwater drainage.

Mr. Palmer stated that the project will be, overall, an attribute to the community. He stated that many details need to be addressed, to include responses to comments from the Town Engineer dated August 13, 2025, legal documentation for the establishment of the property as a 55+ community, calculations of the building height relative to the building grade, the consideration of a crosswalk for the development across Route 77, and the Town Engineer's review of concerns expressed by abutters.

Mr. Bodenski asked the Town Planner for clarification on restrictions for 55+ communities. Ms. O'Meara stated that the ordinance defines the density allowed for multi-family units. She cautioned the Board against placing legal restrictions on who can occupy the units. Discussion ensued. Mr. Palmer suggested that the applicant clarify the intent of the project regarding public restrictions. Mr. Huebener asked the applicant to clarify how a 55+ community would be administered. Mr. Gaudreau addressed the Board and stated that the project is intended to be a 55+ community. He stated that HUD guidelines allow a small percentage of units to be marketed to people younger than 55. The Board advised Mr. Gaudreau to provide further details on the intention to market the project as a 55+ community.

Mr. Caton noted multiple uses of the words, "buffer" and "easement," in the materials submitted. He requested clarification on the actual easement. Ms. O'Meara clarified that the easement is part of the property deed. Mr. Gaudreau clarified that the land defined in the easement will not be touched by either runoff or physical access.

Mr. Palmer 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 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 next available Planning Board meeting.

Mr. LaVallee seconded the motion. With no further discussion, the motion passed, 6 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. Huebener made a motion to adjourn the meeting. Mr. Palmer seconded. With no further discussion, the motion passed, 6 in favor and none opposed.

The meeting was adjourned at approximately 8:42 p.m.

Respectfully submitted,
Lucy E. Bauer
Minutes Secretary