

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

November 16, 2021

7:00 p.m.

Remote meeting

Present:	Jonathan Sahrbeck, Acting Chair	Carol Anne Jordan
	Daniel Bodenski	Mary Ann Lynch
	Andrew Gilbert	Alton Palmer

Absent: James Huebener

Also present was Maureen O'Meara, Town Planner.

CALL TO ORDER

Mr. Sahrbeck called the meeting to order and called for the approval of the minutes of October 19, 2021. The minutes were approved as presented, 6-0.

NEW BUSINESS

Willow Brook Resource Protection Permit - The Town of Cape Elizabeth is requesting a Resource Protection Permit to alter 940 sq. ft. of RP1 wetland as part of the replacement of the Willow Brook culvert, located south of Scott Dyer Rd (U45-9), Sec. 19-8-3 Resource Protection Permit Completeness and Public Hearing.

Shane Kelly of Sebago Technics introduced the project. He said they had made a study of the culverts in the town. This culvert came to the top of the list as a result of its deteriorating condition, and the fact that there is a 16 in. force main and an 18 in. sewer line above. If this failed, it would affect Willow Brook, which has tidal influence. The project is 700 ft. into the greenbelt trail off Starboard Drive. They will replace 2 culverts. It will have 940 ft. of wetland impact.

They are working with MNRCP for approved grant funding of \$350,000. This project will improve environmental conditions. Right now, it is a barrier to fish passage as well as the habitat in the area.

They are requesting a waiver of the high intensity soil survey. They have done borings and geotechnical investigation. There is rock underneath. This project will allow for stream connectivity.

Mr. Sahrbeck opened the public comment for 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 the Town of Cape Elizabeth for a Resource Protection Permit to alter 940 sq. ft. of wetland as part of the replacement of the Willow Brook culvert, located on the Portland Water District easement 750± east of Starboard Drive, be deemed complete.

Ms. Jordan seconded and the motion passed, 6-0.

Mr. Sahrbeck opened the public hearing. No one came forward to comment, so the public hearing was closed.

Mr. Gilbert asked about the height of the footings.

Mr. Kelly explained the design for the footings.

Ms. Jordan made the following motion:

Findings of Fact

1. The Town of Cape Elizabeth is requesting a Resource Protection Permit to alter 940 sq. ft. of wetland as part of the replacement of the Willow Brook culvert, located on the Portland Water District easement 750± east of Starboard Drive, which requires review for compliance with Sec. 19-8-3, Resource Protection Regulations.
2. The culvert will not materially obstruct the flow of surface or subsurface waters across or from the alteration area;
3. The culvert will not impound surface waters or reduce the absorptive capacity of the alteration area so as to cause or increase the flooding of adjacent properties;
4. The culvert will not increase the flow of surface waters across, or the discharge of surface waters from, the alteration area so as to threaten injury to the alteration area or to upstream and/or downstream lands by flooding, draining, erosion, sedimentation or otherwise;
5. The culvert will not result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
6. The culvert will not pose problems related to the support of structures;

7. The culvert will not be detrimental to aquifer recharge or the quantity or quality of groundwater;
8. The culvert will not disturb coastal dunes or contiguous back dune areas;
9. The culvert will maintain or improve ecological and aesthetic values;
10. The culvert plan includes provisions to restore adjacent buffer areas post-construction;
11. The culvert construction will be accomplished in conformance with the erosion prevention provisions of Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission dated March, 1986, or subsequent revisions thereof;
12. The culvert will not discharge wastewater from buildings or from other construction into Wastewater Treatment Facilities in violation of Section 15-1-4 of the Sewage Ordinance; and
13. The culvert installation will comply with Section 6-6-6 of the Floodplain Management Ordinance.
14. The application substantially complies with Sec. 19-8-3, Resource Protection 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 a Resource Protection Permit to alter 940 sq. ft. of wetland as part of the replacement of the Willow Brook culvert, located on the Portland Water District easement 750± east of Starboard Drive, be approved.

Mr. Gilbert seconded the motion and it passed, 6-0.

Turkey Hill Farm Site Plan and Conditional Use Permit - The Cape Elizabeth Land Trust is requesting Site Plan review and a Conditional Use Permit to expand institutional uses including organization meetings, educational programming and events on Turkey Hill Farm, located at 120 Old Ocean House Rd (R3-20), Sec. 19-9 Site Plan Completeness.

Philip Mathieu, Program Coordinator for the Cape Elizabeth Land Trust and John Mitchell appeared on behalf of the project.

Mr. Mathieu gave an overview of the project. It is 26 acres of Route 77 on Old Ocean House Road. They are proposing new events, 12 per year, including 4

events with a maximum of 100 participants each. They propose parking up to 100 spots. 4 medium sized events with 50 participants and 4 educational events with a capacity of 100, who would arrive by a bus.

John Mitchell said they have been working with the Land Trust on vehicular circulation and parking layout. They propose to widen a portion of the 2-way driveway to 16 ft. to allow for 2 way traffic. He showed the plan. The remainder of the driveway will remain one way.

They propose 3 parking areas. A- Will be for smaller events with 4 handicap spaces and 28 spaces in all. B- Will be parking on grass on the right hand side of the gravel driveway. C- Will be in the field off the entrance drive. For the handicap spaces, he gave the details of how they will support the spaces.

They propose an alternative toilet near the house. They have revised 2 notes on the plan.

Mr. Sahrbeck opened the public hearing on completeness.

Patrick Babcock of 6 Phantom Farm Road said he supports the Cape Elizabeth Land Trust. He is concerned about the potential for a parking lot and business moving into his back yard.

There was no one else to come forward, so the public hearing was closed.

Ms. Lynch said the Zoning Ordinance says all parking should be paved. She thinks the road should be wider. There are no sight distances included. Is it Residence A or Residence B?

Ms. O'Meara said the revised plans displayed at the meeting are not yet in the hands of the Planning Board.

Ms. Jordan said want to be sure they are only 2 waivers.

Ms. O'Meara said the improved plans show the 2 ft. contours, so that is no longer needed as a waiver.

Mr. Mathieu said they are not including any impervious surfaces, so they do not need the storm water calculations.

Ms. Lynch again talked about the need to pave the parking areas.

Mr. Sahrbeck mentioned the Special Event Facility zoning, and Ms. O'Meara clarified that would apply when facilities are offered for rent to host events, which is not proposed by CELT.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Cape Elizabeth Land Trust for a Conditional Use Permit and Site Plan Review to add institutional uses of a philanthropic nature to Turkey Hill Farm, a 26 acre conservation property located at 120 Old Ocean House Rd(R3-20), be deemed complete. The determination of completeness includes granting a waiver from submitting stormwater calculation information.

Mr. Gilbert seconded the motion and it passed, 5-1.

The board set the date of December 4, 2021 at 9:00 am. for a site walk.

Ms. O'Meara said she would look into the parking lot regulations.

Ms. Lynch asked what will be the plans for pedestrian safety?

Mr. Gilbert said the road is a consideration for fire truck access. How will the parking be marked. And how will the parking be drained so it is not all muddy in wet weather.

Mr. Mathieu said they will be more specific in the updated plan.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Cape Elizabeth Land Trust for a Conditional Use Permit and Site Plan Review to add institutional uses of a philanthropic nature to Turkey Hill Farm, a 26 acre conservation property located at 120 Old Ocean House Rd(R3-20), be tabled to the regular December 21, 2021 meeting of the Planning Board, at which time a public hearing will be held.

Mr. Bodenski seconded the motion and it passed, 6-0.

OTHER BUSINESS

Public Comment

Mr. Sahrbeck opened the public comment period and no one came to speak, so he closed the public comment.

The Board agreed that they wanted to have the next workshop on Zoom.

The Board voted unanimously to adjourn at 8:05 p.m.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary