

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.

March 18, 2025

7:00 p.m.

Town Hall

Present: Andrew Gilbert
Alton Palmer
Derek LaVallee

Jim Huebener
Matthew Caton
Natalie Burns

Absent: Dan Bodenski, Maureen O'Meara

Also present: Benjamin McDougal, Code Enforcement Officer

CALL TO ORDER

Mr. Gilbert called the hybrid meeting (in person and virtual) to order at 7:00p.m., reviewed the procedures for remote participation, and established a quorum.

Mr. Gilbert called for approval of the minutes of the February 18, 2025, Planning Board meeting. Ms. Burns made a motion to approve the minutes and Mr. Huebener seconded. With no further discussion, the minutes were approved, 6 in favor and none opposed.

NEW BUSINESS

Cape Elizabeth Basketball Court Site Plan Amendment. The Town of Cape Elizabeth is requesting a Site Plan amendment to construct an outdoor basketball court adjacent to the Spurwink School building, located at 6 Scott Dyer Road (U21-10), Site Plan Review, Sec. 19-9, Completeness.

Steve Harding, Town Engineer for Cape Elizabeth, addressed the Board on behalf of the applicant, Cape Hoops, represented by Meredith Beauregard. Mr. Harding summarized the project and addressed comments from the Acting Town Engineer. He clarified that there was no proposed lighting for the court; rather, it would be for use dawn to dusk.

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

Tim Thompson of 6 Pine Ridge Road addressed the Board. He asked for clarification on the parking area for the court.

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

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

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 a site plan amendment to construct a basketball court adjacent to the Spurwink School, located at 6 Scott Dyer Road (U21-10), be deemed complete.

Mr. LaVallee seconded the motion.

Ms. Burns requested that Mr. Harding submit the deeds for the property in the next packet of materials for the project.

With no further discussion, the motion was approved, 6 in favor and none opposed.

Mr. Bodenski solicited interest in a site walk which was subsequently scheduled for March 22, 2025 at 8:00 a.m.

Mr. Harding requested a consensus opinion from the Board about signage. Mr. Gilbert suggested that signage should direct traffic to the parking spaces adjacent to the court. Mr. Harding stated that the Town Public Works Director is working with the library director on signage that reserves parking spaces for library patrons. Mr. Gilbert suggested the inclusion of signs reminding patrons of the Town's "Carry in, Carry out" policy for trash removal.

Mr. Palmer suggested that the applicant consider the use of a chain link fence as opposed to the proposed stockade fence for durability.

Mr. Caton questioned whether a second access gate should be added for safety.

With no further discussion, Mr. Huebener made a motion for the Board to consider.

Motion to Table (with public hearing)

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 site plan amendment to construct a basketball court adjacent to the Spurwink School, located at 6 Scott Dyer Road (U21-10), be tabled to the April 15, 2025 meeting of the Planning Board, at which time a public hearing will be held.

Mr. LaVallee seconded the motion. With no further discussion, the motion was approved, 6 in favor and none opposed.

Holman Road / Library Parking Lot Connection Site Plan Amendment. The Town of Cape Elizabeth is requesting an amendment to the previously approved site plan for the Thomas Memorial Library to construct a driveway connecting Holman Road to the parking lot, located at 6 Scott Dyer Road (U21-12), site Plan Amendment, Sec. 19-9 Completeness and Public Hearing.

Steve Harding, Town Engineer for Cape Elizabeth, addressed the Board and summarized the project, explaining that it is part of the larger Town intersection project.

Discussion ensued on the impact of the proposed project on traffic flow to and from Holman Road. Mr. Caton suggested that the project include signage directing drivers to avoid blocking the intersection between the library parking lot and Holman Road.

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

Tim Thompson of 6 Pine Ridge Road addressed the Board and expressed support for the proposed traffic plan for Holman Road.

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

With no further discussion, Mr. Huebener made a 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 a site plan amendment to construct a 19' long by 22' wide connector from Holman Road intersecting with the Thomas Memorial Library parking lot located at 6 Scott Dyer Rd (U21-10) be deemed complete.

Mr. LaVallee seconded the motion. With no further discussion, the motion passed, 6 in favor and none opposed.

Mr. Gilbert opened the floor for public comment on the merits of the application. With no comment, either virtually or in person, Mr. Gilbert closed the floor.

Discussion ensued about signage for directing traffic flow from Holman Road through the library parking lot. Mr. Palmer wondered if the Town should grant the abutters on Holman Road a legal easement through the library lot to Scott Dyer Road. Ms. Burns noted that the properties on Holman Road have direct access to Route 77. She questioned whether an easement was necessary given that the library lot is public property.

Mr. Gilbert noted that the traffic flow through the parking lot effectively converts the lot into a public road and would require maintenance from the Town's Public Works department for issues such as snow removal. Mr. Harding stated that the Town Manager is aware of the implications of the new traffic flow.

Ms. Burns made a Motion for Approval

Findings of Fact

1. The Town of Cape Elizabeth is requesting a site plan amendment to construct a 19' long by 22' wide connector from Holman Road intersecting with the Thomas Memorial Library parking lot, located at 6 Scott Dyer Rd (U21-10), which requires review under Sec. 19-9, Site Plan Regulations.
2. The Planning Board discussed the project at the February 4, 2025 workshop, and deemed the application complete at the March 18, 2025 meeting, at which time a public hearing was also held.
3. The Thomas Memorial Library site plan has been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Site Plan Regulations, and the findings and decisions of that approval 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 plan does provide for adequate collection and discharge of stormwater.
7. The development will not cause soil erosion, based on the erosion plan submitted.
8. The development will substantially increase noise levels and cause human discomfort.
9. The applicant has demonstrated adequate technical and financial capability to complete the project.
10. 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 a site plan amendment to construct a 19' long by 22' wide connector from Holman Road intersecting with the Thomas Memorial Library parking lot located at 6 Scott Dyer Rd (U21-10) be approved, subject to the following conditions:

1. That the plans be revised to comply with the comments of the Acting Town Engineer in the memorandum dated 3-11-2025; and
2. Wayfinding signage shall be developed concerning the direction of traffic flow over the library parking lot and signage shall be developed to prohibit blocking the new intersection of the library parking lot and Holman Road.

Mr. Caton seconded the motion. With no further discussion, the motion passed, 6 in favor and none opposed.

OTHER BUSINESS

Contract Zoning Amendment. The Cape Elizabeth Town Council has referred to the Planning Board amendments to the Zoning Ordinance to establish Contract Zoning, Zoning Ordinance Amendment Sec. 19-10-3, Schedule public hearing.

Mr. Gilbert introduced the agenda item and explained that the Planning Board reviewed the contract zoning amendments in workshop.

Mr. Huebener suggested that more specificity should be added to review standards pertaining to the preservation of open space for public benefit. Discussion ensued regarding the inclusion of specific examples of uses of open space such as trails for enhancing recreational opportunities.

Mr. Palmer suggested that the language describing affordable housing thresholds should mirror thresholds for open space, for example, a number of units that is significantly more than what would otherwise be required by existing ordinances and regulations. The Board came to a consensus on this suggestion.

Mr. Gilbert offered a clerical suggestion for adding an additional process step involving the recommendation of the Town Council. This step would occur after Ordinance Committee review and before Planning Board review.

Mr. Caton offered a clerical suggestion for adding the word, “and” to process step 5.c. for the purpose of uniting the four subsection elements. He also questioned whether a timeline for the Town Attorney’s review of an application should be defined. Discussion ensued.

With no further discussion, Mr. Huebener made a motion for the Board to consider.

Motion for the Board to Consider:

BE IT ORDERED that, based on the materials submitted and the facts presented, the Planning Board tables the Contract Zoning amendments to the April 15, 2025 meeting, at which time a public hearing will be held.

Ms. Burns moved to amend the motion to include proposed changes to the affordable housing provision (Sec. E-5b) as follows: replace the existing language with, *“The project significantly increases the number of lots or units affordable for moderate or low income housing beyond that required by existing Town ordinances.”* In addition, Ms. Burns moved to amend the motion to include more specificity to the language describing open space (Sec. E-5a).

Mr. Huebener accepted the amendment to the motion.

Ms. Burns seconded the motion as amended.

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

The meeting was adjourned at approximately 8:21 p.m.

Respectfully submitted,
Lucy E. Bauer
Minutes Secretary