

MINUTES OF THE PLANNING BOARD  
TOWN OF CAPE ELIZABETH

September 20, 2022

7:00 p.m.

Town Hall

Present: James Huebener, Chair                      Matthew Caton  
              Derek LaVallee                                 Daniel Bodenski  
              Andrew Gilbert                                 Jonathan Sahrbeck

Absent: Alton Palmer

Also present was Maureen O'Meara, Town Planner.

CALL TO ORDER

Mr. Huebener called the meeting to order, then called for approval of the minutes of August 16, 2022. The minutes were approved as read, 4-2 (LaVallee and Sahrbeck abstain).

NEW BUSINESS

**String Bean Farm School Site Plan Amendment** – Lisa Burlison is requesting an amendment to the previously approved site plan for 1231 Shore Road (U22-82) to change the use from office to day care facility with minor site plan changes, Sec. 19-9, Site Plan Completeness and Public Hearing.

Peter Biegel of Land Design Solutions spoke on behalf of the applicant. They are requesting a change of use from office to day care. He said there will be a minimum of physical changes to the building. He showed a plan of the proposal. They propose a 4 ft. aluminum picket fence. They will stripe the parking lot. Their lighting will not exceed the town standards.

There will be a sign to direct the 2-way traffic. There will be a sign on the building. Their hours of operation will be Monday through Friday from 8:30 to 4:30. They are using the existing utilities. He showed more plans and said no trees will be impacted. He addressed the engineer's comments and the staff comments. He said there are no issues with them.

Mr. Huebener opened the public comment on completeness. No one came forth to speak, so the public comment was closed.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Lisa Burluson, String Bean Farm School and Child Care LLC, for amendments to the previously approved 1231 Shore Road Site Plan to change the use from office to day care and minor site plan changes be deemed complete.

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

Mr. Sahrbeck asked Ms. O'Meara about the need for the change of use.

Ms. O'Meara said that in the Town Center District, this is a move to a more intensive use.

Mr. Bodenski asked if there will be a sign for the drop off.

Mr. Biegel said there will not be a sign.

Mr. Gilbert noted that the majority of the email comments they had received were positive.

Mr. Sahrbeck made the following motion:

#### Findings of Fact

1. Lisa Burluson, String Bean Farm School and Child Care LLC, is requesting amendments to the previously approved 1231 Shore Road Site Plan to change the use from office to day care and minor site plan changes, which requires review under Sec. 19-9, Site Plan Regulations.
2. The 1231 Shore Road site plan has been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Site Plan Regulations (Sec. 19-9), and the findings and decisions of that approval which are not altered by the proposed amendments remain in effect.
3. The Planning Board discussed the application at the August 2, 2022 workshop and held a site walk on August 4, 2022.
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 sewage disposal. The development will be provided with access to utilities. The development will provide for adequate disposal of solid wastes.
7. The development will provide a vegetative buffer throughout and around the site and screening as needed.
8. The development will provide for adequate exterior lighting without excessive illumination.
9. Signs will meet the requirements of the Sign Ordinance.
10. The development will not substantially increase noise levels and cause human discomfort.
11. Storage of exterior materials on the site that may be visible to the public will be screened by fencing or landscaping.
12. The applicant has demonstrated adequate technical and financial capability to complete the project.
13. 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 Lisa Burluson, String Bean Farm School and Child Care LLC, for amendments to the previously approved 1231 Shore Road Site Plan to change the use from office to day care and minor site plan changes be approved, subject to the following conditions:

1. That the plans be revised to address the comments of the Town Engineer in his letter dated September 14, 2022;
2. That a note be added to the plans that no on-street parking is allowed along the Shore Road frontage; and
3. That there be no alteration of the site or issuance of a permit until the plans have been revised to address the above conditions and submitted to the town planner.

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

**Fresh Pickins Farm Site Plan** – Fresh Pickins Farm is requesting site plan review to construct a permanent, 440 sq. ft. farm stand located at 192 Bowery Beach Road (R09-5B), Sec. 19-9 Site Plan Completeness and Public Hearing.

Bob Metcalf of Mitchell and Associates is here on behalf of the applicant. He said this is a seasonal business which will be open for 10 months. It is on land belonging to the Sprague Corporation, a 25.88 acre lot. He showed a plan of the property and a photo of the sign. He also showed photos of the road and the farmstand. They sell cut flowers and herbs. They are currently open Friday, Saturday and Sunday. The farmstand is a 440 sq. ft. open air structure. The plan includes a future deck.

The entrance drive is a 16 ft. wide gravel one way road. There will be signs to direct the traffic. The parking will be angled. They expect 3-4 vehicles at a time to a total of 40 vehicles a day. They plan to be open 5 days per week, Wednesday thru Sunday. They will have a greenhouse for production of flowers. They want to bring in public water from Bowery Beach Road for a wash stand. They want to bring in underground power. Their current power is from a solar panel.

Mr. Metcalf also said there will be no removal of vegetation. There are no residential properties near the site. The site is relatively flat with no drainage issues. The traffic will be negligible. They will have one employee. A porta potty is not acceptable so they plan to provide an incinerator toilet, and they will need a licensed soil scientist for that.

They are requesting a waiver for the road design. They addressed Mr. Harding's comments.

Mr. Huebener opened the public comment on completeness. No one came forward, so the public comment was closed.

Mr. Gilbert asked if they need the Fire Chief's comments and wants to know if the code requires that there be water at the site.

Ms. O'Meara said she would reach out to the Fire Chief and ask for his comments in writing.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Dan Marion of Fresh Pickins Farm for

site plan review to make a temporary, 440 sq. ft. farm stand located at 192 Bowery Beach Road permanent be deemed complete. A finding of completeness includes granting a waiver from providing a landscaping plan due to the limited nature of the project.

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

The board will hold a site walk on Wednesday September 28, 2002 at 5:30 p.m.

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

Mr. Sahrbeck has concerns about the lack of a gravel base outside of the 16 ft. area and in the area of the hammerhead.

Mr. Metcalf noted that it is an open structure, not enclosed.

Mr. Caton asked if there were any restrictions in the deed that would prohibit this use. He would like the applicant to identify which deed submitted applies to the applicant.

The reply was that there are none and that the Sprague Corporation is ok with the project.

Mr. Bodenski asked about the future greenhouse and would it need power or water.

Ms. O'Meara said it is an agricultural structure and exempt from site plan review.

Mr. Sahrbeck made the following motion:

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the application of Dan Marion of Fresh Pickins Farm for site plan review to make a temporary, 440 sq. ft. farm stand located at 192 Bowery Beach Road permanent be tabled to the regular October 18, 2022 meeting of the Planning Board.

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

OTHER BUSINESS

Staff support discussion

Mr. Huebener spoke about a letter to the Cape Courier August 24, 2022 by Michael Friedland about Town Planner, Maureen O'Meara. Mr. Huebener said it is inaccurate, mean spirited and reveals more about Michael Friedland than anyone else. Ms. O'Meara has been upfront, honest, thorough and knowledgeable in her work. Her extensive knowledge of Cape's ordinances and the state laws has been invaluable to the Planning Board and to the town. Mr. Friedland discusses affordable housing in Cape and he shows his lack of knowledge about the planning process. In Mr. Huebener's opinion, the town is fortunate to have Maureen O'Meara as the Town Planner and he hopes she stays for many years to come.

Mr. Sahrbeck said he hopes Ms. O'Meara didn't have to read that letter. He thinks the Town of Cape Elizabeth, the residents, people who do business here are very fortunate and lucky to have you and someone as professional as you. I, and people I know are very appreciative of your knowledge, your professionalism, how you carry yourself. We are grateful to have you here, and were concerned about whether those comments would make you reconsider if you want to stay in that position.

Mr. Gilbert said he wanted to echo those comments. He thinks Ms. O'Meara does a fantastic job. When he has dealt with other towns, it doesn't seem as if they have the same support and knowledge.

Mr. Caton said Ms. O'Meara is always helpful and knowledgeable.

Mr. Bodenski thanked Ms. O'Meara for all the hard work she does.

Ms. O'Meara spoke about the passing of former Board member, Elaine Falender. She was an exacting drafter and reviewer of ordinance language that Ms. O'Meara felt stood out from all the work she did on the Board. Ms. O'Meara cited the many ordinances that Ms. Falender worked on during her tenure on the Board. Ms. O'Meara said she is better at her job because of Ms. Falender.

The Board voted unanimously to adjourn at 8:20p.m.

Respectfully submitted,

Hiroimi Dolliver  
Minutes Secretary