

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

March 15, 2022

7:00 p.m. Remote Meeting

Present: James Huebener, Chair Matthew Caton
 Daniel Bodenski Mary Ann Lynch
 Andrew Gilbert

Absent: Alton Palmer, Jonathan Sahrbeck

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 January 18, 2022. The minutes were approved as presented, 5-0.

OLD BUSINESS

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 and Conditional Use Permit.

Philip Mathieu of CELT introduced the proposal. He showed a plan of the property. He said they are proposing 80 days per year of educational programming, capped at either 50 participants for 4 hours or 25 participants for 8 daylight hours. They are keeping the 4 larger events. They have simplified the categories of events for the purpose of calculating the amount of septic capacity needed. They have used the rules governing schools (which is the highest demand under the plumbing code) to determine what they need. There is detail on the plan as to the alternative toilets and sinks in between them. Water service will come from the barn. They plan to use the existing on-site septic system. There is an existing 3 bedroom house on the property and they will limit the occupancy to 1 or 2 persons in one bedroom in order to use the existing septic system. This is a temporary solution until we do a master plan.

Bob Metcalf said there will be an intermediate septic pump tank from the house. They have put dimensions on the parking plans. They have widened out the driveway to accommodate the fire trucks. One of the toilets is ADA

accessible. They have added several notes to the plan.

Mr. Huebener asked for clarification of the number of events per year.

Mr. Mathieu said their intent is to ask for 4 single day events per year. The educational events will be 80 per year and the number of participants are capped at 50 if they come by bus, and 25 if they come in cars.

Mr. Huebener opened the public comment period. No one indicated a desire to speak, so the comment period was closed.

Ms. Lynch made the following motion:

Findings of Fact

1. The Cape Elizabeth Land Trust is requesting a Conditional Use Permit and Site Plan Review to add institutional uses of a philanthropic nature for up to 100 attendees and 50 attendees at educational programs to Turkey Hill Farm, a 26 acre conservation property located at 120 Old Ocean House Rd, which requires review under Sec. 19-9 Site Plan Regulations and Sec. 19-5-5, Conditional Use Permits.
2. The plan for the development reflects the natural capabilities of the site to support development.
3. 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.
4. The plan does provide for a system of pedestrian ways within the development.
5. The plan does provide for adequate collection and discharge of stormwater.
6. The development will not cause soil erosion, based on the minimal amount of soil to be disturbed, which is flanked by naturally vegetated areas.
7. The development will provide for adequate sewage disposal.
8. The development will utilize existing infrastructure providing potable water and utilities.

9. The development will not locate, store or discharge materials harmful to surface or ground waters.
10. The development will provide for adequate disposal of solid wastes.
11. The applicant has demonstrated adequate technical and financial capability to complete the project.
12. The development will provide for adequate exterior lighting without excessive illumination.
13. The development will provide a vegetative buffer throughout and around the site and screening as needed.
14. The development will not substantially increase noise levels and cause human discomfort.
15. No storage of exterior materials is proposed.
16. Any conditions on the Planning Board approval must be met prior to commencement of proposed activities.
17. The proposed site plan and layout are compatible with adjacent property uses and with the Comprehensive Plan.
18. No new building is proposed.
19. The application substantially complies with Sec. 19-9, Site Plan Regulations and Sec. 19-5-5, Conditional Use Permits.

THEREFORE BE IT ORDERED that, based on the plans and materials 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 for up to 100 attendees at up to 4 events and up to 50 attendees at up to 80 educational programs to Turkey Hill Farm, a 26 acre conservation property located at 120 Old Ocean House Rd(R3-20), be approved, subject to the following conditions:

1. That the plans be revised to address the comments in the Town Engineer's letter dated December 14, 2021;
2. The 2-way gravel road must be maintained at a minimum width of 18' and the 1-way loop must be maintained at a minimum width of 10'/12', including snow removal. A minimum radius to accommodate a B-40 class vehicle shall be provided;

3. That the plans be revised to show the location of a porta potty to be provided for events with between 50-100 attendees;
4. That the plans are labeled to include a roof shelter over the proposed sinks;
5. That amplified music shall not exceed 55 decibels at the property line from 7:00 am to 10:00 pm, nor 45 decibels at the property line from 10:00pm to 7:00 am. No generator shall operate during events;
6. That there be no issuance of a permit nor use of the property for the proposed uses until the plans have been revised to satisfy the above conditions and submitted to the town planner for review.

Mr. Gilbert seconded the motion and it passed, 5-0.

Carr Woods Condominium Development - Andrew Carr is requesting Major Subdivision Review for creation of a single family lot and 18 condominiums and a Resource Protection Permit for alteration of 11,789 sq. ft. of wetland on combined lots located in the vicinity of 10 Deep Brook Rd (U6-91, 91A, 92, 94A, 95), Sec. 16-2-4, Major Subdivision Tabling and Sec. 19-8-3, Resource Protection Permit Tabling.

Ms. Lynch wanted to be sure that a public hearing will be held when this comes back to the Planning board.

Mr. Gilbert made the following motion:

BE IT ORDERED that, based on the request submitted and the information presented, the application for Carr Woods, an 18 unit condominium and one single family home lot located on Deep Brook Drive, be tabled to the April 19, 2022 meeting of the Planning Board.

Mr. Bodenski seconded and the motion passed, 5-0.

NEW BUSINESS

498 Spurwink Ave CELT RP expansion - The Cape Elizabeth Land Trust is proposing to extend the boardwalks 300 linear feet in Runaway Farms, located at 498 Spurwink Ave (U43-8-5), resulting in 800 sq. ft. of wetland alteration, Sec. 19-8-3, Resource Protection Permit Completeness.

Ardith Dixon of CELT spoke for the applicant and said they just want to improve the boardwalks in Runaway Farms. They want to lengthen an existing

boardwalk and move another. She showed the plans of the proposal and said she wanted to incorporate the 2020 submission documents.

Mr. Caton asked if notice had been given to the abutters.

Ms. O'Meara said it had been done. She said the plans are the same as the 2020 submission. She said it up to the Board to decide if they are willing to treat this as an amendment to the prior plan.

Mr. Bodenski said an amendment makes sense to him.

Ms. Dixon asked if they can expedite the application.

Ms O'Meara said they cannot have a public hearing if they expedite. She said they are not required to have a public hearing.

Mr. Gilbert would like to have a public hearing. He would also like to have more maps. He likes the blown up maps of the sections.

Mr. Bodenski agrees with Mr. Gilbert.

Mr. Huebener opened the public comment and no one spoke, so he closed the public comment.

Ms. Lynch made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, including the information that was provided as part of the October 2020 application, the application of the Cape Elizabeth Land Trust for a Resource Protection Permit to alter 800 sq. ft. of RP1 and RP2 wetland located at 498 Spurwink Ave/Runaway Farms be deemed complete.

Mr. Bodenski seconded the motion and it was passed, 5-0.

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 Cape Elizabeth Land Trust for a Resource Protection Permit to alter 800 sq. ft. of RP1 and RP2 wetland located at 498 Spurwink Ave/Runaway Farms be tabled to the regular April 19, 2022 meeting of the Planning Board at which time a public hearing will be held.

Mr. Bodenski seconded the motion and it was approved, 5-0.

OTHER BUSINESS

Public Comment

No one came to speak

Ms. Lynch said she is resigning from the Planning Board as of midnight tonight.

The Board agreed that their next meeting would be in person.

The board voted unanimously to adjourn at 8:00p.m.

Respectfully submitted,

Hiromi Dolliver
Minutes Secretary