

TOWN OF CAPE ELIZABETH
MINUTES OF THE PLANNING BOARD

April 27, 2011

7:00 p.m. Town Hall

Present: Elaine Falender, Chair Carol Anne Jordan
 Liza Quinn Richard Olfene
 Henry Steinberg Victoria Volent

Absent: James Huebener

Also present was Maureen O'Meara, Town Planner.

The minutes of the March 17, 2011 meeting were approved 5-0, with one abstaining.

Ms. Falender explained the public comment procedures and assured the public that a regular public hearing will still be held when needed, but that the public is invited to comment on each item even though it is not an official public hearing.

NEW BUSINESS

Golden Ridge Subdivision Amendment - Golden Ridge LLC is requesting amendments to the previously approved Golden Ridge Subdivision to create another lot located at the end of Golden Ridge Lane (U17-50,50-6),

Sec. 16-2-5, Subdivision Amendment.

Betsy Poulin from Mitchell Associates spoke on behalf of the applicant. She said this is a subdivision that was previously approved in 2003. She displayed a map showing the entire subdivision, a 15.14 acre parcel. Zoning is mostly Residence A with a few RP-2 and RP-1 Wetland areas. Neither of the wetland areas will be impacted by this proposal.

The 2003 subdivision had three lots with a private lane, Golden Ridge Lane. The new proposal is to extend Golden Ridge Lane and add one lot. Golden Ridge Lane is now 11-15 ft. wide, and the applicant proposes to have an 18 ft. wide gravel road with 2 ft. wide grass shoulders on each side. The

hammerhead turnaround will be located at the end of the road. They will add some plant material to the Young's property.

Ms. Poulin said that no DEP permit will be required.

There is a 12 in. water main along Route 77. The proposal is to extend an 8 in. service down the road to a fire hydrant and then to continue down the road with a 4 in. main. The septic plan has been approved by the Code Officer. The current electric service is overhead along Golden Ridge Lane, and they propose to extend the service to the new lot by underground utilities.

The applicant proposes to update the road maintenance agreement.

They are requesting a waiver of the road width to have an 18 ft. road with 2 ft. shoulders on each side. The Fire Chief has approved that proposal as adequate.

Ms. Falender opened the public comment period. No one came forward to speak.

Ms. Poulin came back to review the responses to the April 14, 2011 letter from AMEC. She reviewed each point one by one and how they are responding to each.

Ms. Quinn is concerned about what will happen to the road agreement if all the parties cannot agree.

Ms. Poulin said they have the draft of the agreement covering lots 3 and 4, and it can work even without updating the prior agreement. They would like to incorporate it all into one new document, but if all parties cannot get together it will work as they have it drafted.

Mr. Olfene asked if the lots have been sold yet?

The reply was they have not been sold yet.

Ms. Jordan made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Golden Ridge Lane LLC for amendments to the previously approved Golden Ridge Subdivision to add another lot at the end of Golden Ridge Lane be deemed complete.

Ms. Quinn seconded the motion and it was passed 6-0.

Mr. Steinberg said he would like to have a site walk. The Board agreed and it was scheduled for Friday April 29, 2011 at 5:00 pm.

Ms. Volent made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Golden Ridge Lane LLC for amendments to the previously approved Golden Ridge Subdivision to add another lot at the end of Golden Ridge Lane be tabled to the regular May 17, 2011 Planning Board meeting, at which time a public hearing will be held.

Ms. Quinn seconded the motion and it was passed 6-0.

Rosewood Subdivision Amendment - Joe Frustaci is requesting amendments to the previously approved Rosewood Subdivision to create another lot at the end of Rosewood Drive (U34-22-4), Sec. 16-2-5, Subdivision Amendment.

Rick Licht of Licht Environmental Design and Mr. Frustaci were there on behalf of the proposal.

Mr. Licht introduced the project and noted that the subdivision was approved in 1992 and amended several times. They wish to divide Lot 4 into 2 lots and receive a private access waiver. Rosewood Lane is a private way. The current lot is about 64,000 sq. ft. They propose to create lots 4B and 4A and need a private access waiver because 4B will have only 50 ft. of frontage on the road.

For drainage, they propose a stone wall and will create a swale to divert the runoff. There is public water service to the new lot and the septic design has been submitted and approved.

The applicant will pay a fee to meet the open space requirements. He will designate Lot 3 of the Blueberry Ridge subdivision, which adjoins this parcel, to be the affordable housing.

Ms. Jordan asked about the driveway which will cross the turnaround. Who will be responsible for maintaining that section of the turnaround?

Mr. Licht said the turnaround would be maintained by the homeowners' association and the driveway would be maintained by the homeowner.

Mr. Frustaci then spoke and said that he plans to make the new lot his own home. As long as he would own it, he would maintain it. If he no longer owned the lot he would put it into the deed as a maintenance agreement.

Ms. Volent asked for an explanation of the boulder wall. She wanted to know its purpose.

Mr. Licht said it is a retaining wall and the top of that wall would have a swale to divert the drainage.

Ms. Volent asked if there will be any more buffering between lot 4A and lot 3. Mr. Licht said they will add additional trees.

Mr. Frustaci said there is a 20 ft. no cut buffer on Lot 3. The trees would be added to lot 4A. He also said that they will go onto part of Lot 3 with the boulders to divert as much water into the existing stream.

Ms. Quinn said she has walked down the road and saw a lot of standing water and saw a large tree that had fallen down in the wet area. She wonders why they have asked for a waiver of a stormwater management plan.

Mr. Licht said a stormwater management plan is not applicable to a single lot, but only for a larger plan.

Ms. Falender opened the public comment period.

Kathleen Germani of 160 Mitchell Road said she is the direct abutter to most of this project. She said there are significant water issues in this area. She is

concerned that the rock wall will not mitigate the storm runoff. She doesn't like having a leach field practically in her back yard. She said the entire area is a very wet area. All the neighbors have sump pumps and frequently have power outages so if you have a sump pump and no power, you have a wet basement. She has serious concerns about the project given the water problems up there in Rosewood. She is also concerned that they are not required to tie into the sewer line. She would like to have the Board come to look at the site.

Douglas Sargent of 156 Mitchell Road has sent a letter voicing his concerns about the runoff. Joe (Frustaci) and his engineer have worked with him to come up with what he has now. He does not consider it the best of all possible solutions, but he considers it a workable solution. From his point of view it is an acceptable plan if it is implemented the way it is shown now.

Marilyn Sargent of 156 Mitchell Road would like someone independent to look at this. We have "Lake Sargent" in our back yard most of the time. She'd like someone independent to say that this will work and not put more water in their yard.

There were no further comments from the public, so the comment period was closed.

Ms. Falender then called on the Board for any discussion on completeness.

Mr. Steinberg asked what systems are in place to handle sewage on Lot 4.

Mr. Frustaci replied that all the lots on Rosewood Drive have septic systems. He said when they built the subdivision in 1991 there was no sewer on Woodland Road.

Ms. Quinn made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Joseph Frustaci for an amendment to the previously approved Rosewood Subdivision to create an additional lot located at the end of Rosewood Lane be deemed complete.

Mrs. Volent seconded the motion.

Ms. Jordan questioned whether the items listed as incomplete in the memo have been addressed.

Mr. Licht said there will be a drainage easement, and has assured the Board that all the items have been dealt with and some have just been taken care of so recently that there was not enough time to get the information to the Town Planner.

The Board voted to pass the motion, 6-0.

The Board then scheduled a site walk for Monday May 2 at 5:00 pm.

Ms. Falender asked if stormwater calculations were done when the original subdivision was approved.

Ms. O'Meara replied that they were done. It is a very ledgey area. Drainage issues were a consideration at that time.

Ms. Falender asked if the project before the Board now opens up the entire subdivision back up. If they determine that the drainage in this subdivision is inadequate, they could vote to deny another house to be built.

Ms. O'Meara replied that it is true, but there is a letter from the Town Engineer, who did an independent review, saying that the design is not inappropriate.

Ms. Falender noted that the Engineer is focusing only on the new house, not looking at the entire subdivision.

Ms. O'Meara cautioned that the Board would need to have a greater study of the drainage area than is now available.

Mr. Licht said he could not speak to the original 1991 stormwater calculations, but what was probably done was to take a reasonable assumption of the amount of difference to the entire watershed.

Mr. Steinberg noted that this subdivision has a history by now and it would be possible to consider what was theoretically presumed and what actually

happened. Listening to the comments about runoff, it may be that the theory didn't match the practice.

Mr. Frustaci said that if the Board does a site walk they can see that this is higher than the houses on Mitchell Road. He said that if he builds this house he will try to correct some of this runoff. He will control this runoff by diverting it to the existing stream. As for the history, he knew the abutter and was a friend of his. That man never told Mr. Frustaci that his subdivision added to the water at his house.

He said the new proposal will try to help this situation by giving this runoff a place to go.

Mr. Olfene asked the engineer if there is an alternative that is better than the one they are suggesting.

Mr. Licht said he can't say that there is a better way.

Mr. Frustaci said he may be able to get an agreement to divert the water from Lot 3 across his land and that would help the Germani property have less water.

Ms. Falender asked if it was an acceptable solution to have the affordable house on another subdivision.

Ms. O'Meara said it was allowed by the ordinance, with approval from the Planning Board, and it is an immediately abutting subdivision.

Ms. Falender then asked about whether Rosewood Drive is a private road or a private accessway or both.

Ms. O'Meara replied that Rosewood Drive is a private road. The only private accessway needed is for a small portion of the driveway on lot 4, because it does not have enough road frontage.

Ms. Quinn made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Joseph Frustaci for an amendment to

the previously approved Rosewood Subdivision to create an additional lot located at the end of Rosewood Lane be tabled to the regular May 17, 2011 meeting of the Planning Board, at which time a public hearing will be held.

Mrs. Volent seconded the motion and it was approved 6-0.

Ms. Jordan made a motion to adjourn, seconded by Mr. Steinberg. The Board voted 6-0 to adjourn at 8:30 pm.

Respectfully Submitted,

Hiroimi Dolliver
Minutes Secretary