

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: May 17, 2011  
SUBJECT: Rosewood Subdivision Amendment/Private Accessway Permit

### Introduction

Joseph Frustaci is requesting an amendment to the previously approved Rosewood Subdivision to create an additional lot located at the end of Rosewood Lane. The application will be reviewed for compliance with Sec. 16-2-5, Amendments to Previously Approved Subdivisions.

### Procedure

- The Board should begin by having the applicant summarize any changes made to the plans since the last meeting.
- The Board should then open the public hearing.
- Once the public hearing is closed, the Board may begin discussion of the application.
- At the end of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

### Subdivision Review (Sec. 16-3-1)

#### A. Proposed Streets

The proposed new lot has frontage on Rosewood Drive, a private road previously approved by the Planning Board as part of the original subdivision.

#### B. Street Design

No new street construction is proposed, except for the construction of a turnaround at the end of Rosewood Drive. The turnaround has been designed to comply with current road standards.

#### C. Landscaping

The applicant is proposing to plant 5 white pines along the southern side of the lot to enhance the buffer. A note should be added to the plans specifying the minimum size of the trees at time of planting.

No additional buffering is proposed and the area outside the building envelope will likely be altered due to filling of the lot and installation of drainage infrastructure. The Board may want to discuss if they want to add a note to the plan limiting what activities can occur outside the lightly lined building envelope.

D. Off-street areas

No disposal or storage areas are proposed.

E. Street layout

No new street layout is proposed.

F. Access to sunlight

The new lot will have direct access to sunlight.

G. Block lengths

Not applicable

H. Street names

The road name has been previously approved by the Police Chief.

I. Stormwater

The Town Engineer has reviewed the stormwater plan and supports this approach.

The stormwater plan relies on the exchange of drainage easements to convey water from the lot and abutting lots to an existing drainage swale on town

property. These easement deeds have been submitted by the applicant and are under review by the Town Attorney.

The Town Engineer has also recommended in paragraph 5 of the attached letter that the design of the boulder retaining wall be revised.

J. Pedestrian Easements

No pedestrian easements are proposed.

K. Lot Area

Both lots exceed the 20,000 sq. ft. minimum requirement for a traditional lot in the RC District.

L. Vehicular Access

The new lot will have direct access to Rosewood Drive.

M. Multiplex/Cluster Housing

Not applicable

N. Sidewalks

No sidewalks are proposed or required on a private road.

O. Natural features

No natural features are proposed to be preserved.

P. Scenic Vistas and View Corridors

The site is not located in a vista or view corridor as identified in the Visual Impact Study conducted by the town.

Q. Recreation/Open Space

The applicant is proposing to pay an open space impact fee of \$4,455 dollars for the new lot. This fee should be paid prior to recording of the subdivision plat.

R. Common space

No common open space is proposed.

S. Sewage Disposal

The new lot will be served by a private subsurface disposal system. The design for the system has been reviewed and approved by the Code Enforcement Officer.

T. Flood Hazards

The subdivision is not located in the floodplain.

U. Wetlands

No wetland alteration is proposed.

V. Wildlife Habitat

No significant wildlife habitats have been identified.

W. Numbering of units

There will be only home on the new lot.

X. Utilities

The applicant has provided letters that there will be adequate public water to serve the subdivision.

Y. Technical and Financial Capacity

The applicant has provided a memorandum from the Town Manager asserting adequate financial capacity and a list of professionals with experience in designing subdivisions.

Motion for the Board to Consider

Findings of Fact

1. Joseph Frustaci is requesting an amendment to the previously approved Rosewood Subdivision to create an additional lot located at the end of Rosewood Lane, which requires review under Sec. 16-2-5 of the Subdivision Ordinance.
2. The Town Engineer is recommending minor revisions to the boulder retaining wall design.
3. Preservation of landscaping should be incorporated into the development of the lot.
4. The applicant has agreed to pay a fee instead of setting aside open space.
5. The applicant has agreed to designate a new moderate income affordable housing lot in Blueberry Ridge instead of meeting the affordable housing requirement in the Rosewood Subdivision.
6. The plan includes a stormwater design that requires the establishment of drainage easements to convey water and an amended road maintenance agreement for Rosewood Drive.
7. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1.

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

1. That the plans be revised to address paragraph 5 of the Town Engineer's letter dated 5/11/2011;
2. That a note be added to the plans restricting activities outside the building envelope to installation of driveways, utilities and regrading and retaining wall construction consistent with the stormwater design for the lot;
3. That a note be added to the plans that 5 white pines to be planted will be a minimum 6'-7' at time of planting;
4. That an open space impact fee of 4,455 be paid;
5. That deed restrictions for lot 3 of the Blueberry Ridge Subdivision be recorded designating that lot as a moderate income affordable lot under the Mandatory Affordable Housing provisions (Sec. 19-7-4) of the Zoning Ordinance. The applicant agrees to sell the lot with a home constructed on the lot for no more than the moderate income affordable home price applicable at that time.
6. That the Road Maintenance Agreement and drainage easements (3) be submitted in a form acceptable to the Town Attorney, signed by the applicant and recorded in the Cumberland County Registry of Deeds.
7. That the plans be revised and submitted to the Town Planner for review and approval, and that all the above conditions be satisfied, prior to recording the subdivision plat.