

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: July 19, 2011  
SUBJECT: Stonegate Subdivision Lot Amendment

### Introduction

Early Bird Group LLC is requesting an amendment to the previously approved Stonegate Subdivision to add a lot located at 10 Stonegate Rd. 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 introduce the project.
- The Board should then determine by consensus that the application is complete. The Stonegate Subdivision was a major subdivision, so the major subdivision completeness checklist has been used. The Board does not need to make a formal finding of completeness, but only decide that sufficient information has been submitted to consider this amendment request.
- The Board should also determine if a site walk or public hearing will be held. No public hearing has been scheduled for this evening and earlier actions on this project have generated public interest. The Planning Board is not required to hold a site walk or public hearing for a subdivision amendment.
- At the close of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

### Summary of Completeness

The comments of the Town Engineer and the completeness checklist are attached. Sec. 16-2-5(c) of the Subdivision Ordinance states, "The Planning Board *may* request the submission of information included in Appendix A or B ..." (italics added). The Planning Board typically requires only the submission of items that directly relate to the amendment requested. Below is a summary of possible incomplete items.

2. The Stonegate Subdivision covenants require that the Stonegate Homeowners Association must approve lot additions. This documentation has not been submitted.

5. No location map is included on the plans.
- 10c. Early Bird Group recently requested and obtained an easement from the Town of Cape Elizabeth for a portion of the driveway for 374 Mitchell Rd to be located within the Stonegate Rd right-of-way. Apparently, the deed conveying Stonegate Rd to the town is not the typical right-of-way deed. An easement may also be needed for this lot, unless that is covered by membership in the Association, which is covered in #2 above.
21. A soil and erosion control plan has not been provided. The applicant has indentified plant buffers which would be an effective element of an erosion control plan.
- 23a/b. The applicant has not submitted information regarding technical and financial capability.

### Discussion

Below is a summary of possible items for Planning Board discussion beyond completeness.

1. Driveway permit. The applicant has been in communication for several months with the Public Works Director regarding driveway permits. This is in process.
2. Building envelope. The Planning Board may want to add a note to the plans that preserves the natural vegetated buffer of the lot by restricting activities outside the building envelope to installation of driveways and utilities.
3. Landscaping. The applicant, the Stonegate Homeowners Association and the Town, represented by the Town Manager and the Public Works Director, has discussed installation of landscaping within the right-of-way of Stonegate Rd. The Public Works Director has verbally agreed to the proposed location of landscaping on the plan as consistent with his minimum clearance for road maintenance.
4. Recording plat. The recording plan should include a signature block for the Planning Board.
5. The open space impact fee should be paid prior to recording the plat.

6. Town Engineer's letter. The Town Engineer has recommended that information be added to the plans.

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 Early Bird Group LLC for an amendment to the Stonegate Subdivision to add a lot located at 10 Stonegate Rd be tabled to the regular August 16, 2011 meeting of the Planning Board, at which time a public hearing will be held.