

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: August 16, 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 comments of the Town Engineer are attached. 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

No new street construction is proposed.

#### B. Street Design

No new street construction is proposed. The applicant has obtained a street opening permit from the Public Works Director to construct a driveway to connect to Stonegate Rd.

#### C. Landscaping

The applicant is proposing to add landscaping to the Stonegate Road right-of-way and indicating that existing vegetation will be preserved unless permission to remove vegetation is granted by the Public Works Director. The applicant is proposing to install 3 elderberry and 2 lilacs to buffer the lot from lot U31-9D. An existing crabapple and birch cluster are proposed to be preserved.

The Planning Board may want to consider requiring that a table of proposed landscaping listing total number of plantings and a minimum size at time of planting be added to the plans. In addition, a preservation plan should also be provided describing the measures to be taken to preserve existing vegetation during construction. For example, a barrier such as silt fencing should be installed around the dripline of trees to prohibit disturbance of the roots or compaction of the soil through storage of materials. The Planning Board has also discussed a requirement that the applicant provide a performance guarantee for the proposed landscaping. Alternately, the Town Manager has suggested that the Board omit the need for a performance guarantee if all the plantings are installed and inspected prior to issuance of a building permit for the lot.

There also continues to be no note on the plans that defines what the building envelope means, nor any label for the building envelope. The applicant has referenced the Stonegate Association covenants and relies upon them and the Stonegate Homeowners Association to preserve vegetation outside the building envelope. Copies of the relevant sections of the Stonegate Homeowners Association are attached and summarized below:

- Section 2 establishes a “de facto” building envelope 40’ in depth along the front of the lot and 25’ along the side and rear lines.
- Section 5 limits cutting of trees of 8” in caliper or greater within 15’ of a property line, but does allow removal of diseased or damaged trees.
- Section 12 prohibits the “wholesale cutting or clearing of trees” but clearly reserves the right to cut trees.
- Article V requires that the above sections cannot be revised without Planning Board approval.

The Planning Board will need to decide if these provisions are sufficient to address the Board’s concerns in applying the buffering standard in the Subdivision Ordinance. For example, the Planning Board has asked that the buffer area be expanded along the rear of the lot and the applicant is showing a 50’ setback for the building envelope. There is no specific protection for large trees in this area beyond the first 15’ from the property line.

#### D. Off-street areas

No disposal or storage areas are proposed.

#### E. Street layout

No new street construction is proposed.

F. Access to sunlight

The new lot includes a building envelope where the new home will have direct access to sunlight.

G. Block lengths

Not applicable

H. Street names

The road has already been named.

I. Stormwater

The Town Engineer has reviewed the stormwater plan and supports this approach. He is recommending that erosion control details be added to the plans.

J. Pedestrian Easements

No easements are proposed.

K. Lot Area

The proposed lot is 47,821 sq. ft. and exceeds the minimum lot size for the RC District.

L. Vehicular Access

A driveway will connect to the existing Stonegate Rd and a note has been added to the recording plat that the driveway width is limited to 20'.

M. Multiplex/Cluster Housing

This amendment is to add one lot to an existing clustered subdivision approved in the 1980's, before the Open Space Zoning provisions were adopted.

N. Sidewalks

The right-of-way of Stonegate Rd has already been accepted by the Town without a sidewalk.

O. Natural features

The applicant has provided information on the location of significant trees on the lot.

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 has agreed to pay the open space impact fee for one lot of \$4,455 dollars.

R. Common space

The applicant will be paying the open space impact fee.

S. Sewage Disposal

The new lot will be served by public sewer.

T. Flood Hazards

The lot 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 house on the lot.

X. Utilities

The applicant has provided letters that there will be adequate utility capacity to serve the lot.

Y. Technical and Financial Capacity

The applicant has provided a letter from Flash Island Inc attesting to financial ability to build on the lot, and a summary of projects completed to demonstrate technical capability.

Motion for the Board to Consider

Findings of Fact

1. Early Bird Group LLC is requesting an amendment to the previously approved Stonegate Subdivision to add a lot located at 10 Stonegate Rd, which requires review under Sec. 16-2-5, Amendments to previously approved subdivisions.
2. The Town Engineer has recommended a revision to the plans;
3. The subdivision standards require that a buffer be provided around the perimeter of the subdivision and existing vegetation outside the building envelope could provide that buffer. Areas where there is no existing vegetation can be planted to create a buffer.
4. A new lot will be added to the subdivision, triggering the open space impact fee.
5. The application substantially complies with Sec. 16-3-1, Subdivision Standards.

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 approved, subject to the following conditions:

1. That the plans be revised per the Town Engineer's letter dated 8/10/2011;
2. That a table of proposed landscaping listing total number of plantings and a minimum size at time of planting be added to the plans;
3. That a preservation plan be added to the plans describing the measures to be taken to preserve existing vegetation during construction;
4. That a performance guarantee be posted in amount acceptable to the Town Engineer, a form acceptable to the Town Attorney and all acceptable to the Town Manager or that all plantings be installed and inspected prior to issuance of a building permit for the lot.

5. That the building envelope be labeled and that a note be added to the plans that activities outside the building envelope shall be limited to the installation of driveways and utilities and the maintenance of existing lawn areas; and
6. That the applicant pay an open space impact fee of \$4,455 dollars.
7. That there be no alteration of the site nor issuance of a building permit until the plans have been revised to reflect the above conditions and the recording plat has been signed by the Planning Board and recorded in the Cumberland County Registry of Deeds.