

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: April 15, 2014
SUBJECT: Hilse lot 46/Mitchell Highlands Subdivision Amendment

Introduction

Erick Hilse is requesting an amendment to the Mitchell Highlands Subdivision (approved by the Planning Board in phases in the 1960's) to divide lot 46 into 2 lots. Both lots will have at least 20,000 sq. ft., the minimum lot size in the RC District, and the new lot will have 107' of road frontage (minimum requirement is 100') on Aster Lane, a new road approved and under construction in the Spurwink Woods/Cottage Brook Subdivision. The application was deemed complete February 24, 2015 and a public hearing has been advertised for this evening. The plan will be reviewed under Sec. 16-2-5 of the Subdivision Ordinance.

Procedure

- The Planner will provide a summary of the project within the context of town regulations.
- The applicant will 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)

The proposed lot is located within the area of a previously approved lot. Because the original lot could have been fully "developed," the splitting of this lot has not been considered a change for some of the subdivision review standards. No additional comments have been provided by the Town Engineer because he had no recommended changes for the plans submitted for the February 2014 meeting.

(a) Pollution

No change.

(b) Sufficient Potable Water

The new lot will be served with public water stubbed off of Aster Lane.

(e) Erosion

No change.

(d) Traffic

1. Road congestion and safety. The addition of traffic for one lot will not unreasonably impact Aster Lane.
2. Comprehensive Plan. No change.
3. Connectivity. No change.
4. Safety. No change.
5. Through traffic. No change.
6. Topography. No change.
7. Block Length. No change.
8. Lot Access. The new lot will have vehicular access from Aster Lane.
9. Sidewalks/pedestrian connections. No change.
10. Road Name. No change.
11. Road Construction Standards. No change.

(e) Sewage Disposal.

The lot will be served by public sewer.

(f) Solid Waste Disposal.

No change.

(g) Aesthetic, cultural and natural values

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

2. Wildlife. No significant wildlife habitats have been identified.

3. Natural features. No change.

4. Farmland. No change.

(h) Conformity with local ordinances

1. Comprehensive Plan. No change.

2. Zoning Ordinance. The proposed lot complies with minimum space and bulk requirements.

3. Multiplex Housing. Not applicable.

4. Addressing Ordinance. No change.

(i) Financial and Technical Capability

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

(j) Surface Waters

No change.

(k) Ground Water

No change.

(l) Flood Areas

The lot is not located in the floodplain.

(m) Wetlands

No wetland alteration is proposed.

(n) Stormwater

No change.

(o) Lake Phosphorus concentration

Not applicable.

(p) Impact on adjoining municipality

Not applicable.

(q) Land subject to Liquidation Harvesting

Not applicable.

(r) Access to Direct Sunlight

No change.

(s) Buffering

No change.

(t) Open Space Impact Fee

The applicant has agreed to pay the Open Space Impact Fee.

(u) Utility Access.

Utility connections will be provided from Aster Lane.

(v) Phasing.

Not applicable.

Motion for the Board to Consider

Findings of Fact

1. Erick Hilse is requesting an amendment to the Mitchell Highlands Subdivision (approved by the Planning Board in phases in the 1960's) to divide lot 46 into 2 lots, which requires review under Sec. 16-2-5, Amendments to previously approved subdivisions.

2. Lot 46A will functionally become part of the Cottage Brook neighborhood and will have access to Aster Lane, which is proposed to become a public road but has not yet been submitted to the Town Council for acceptance.
3. The Cape Elizabeth Subdivision Ordinance includes an open space impact fee provision that applies to new subdivision lots.
4. 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 of Erick Hilse for an amendment to the Mitchell Highlands Subdivision (approved by the Planning Board in phases in the 1960's) to divide lot 46 into 2 lots be approved, subject to the following conditions:

1. That an Open Space Impact fee in the amount of \$6,729 be paid to the Town of Cape Elizabeth (for deposit in an account dedicated to open space preservation) prior to issuance of a building permit or the sale of the lot;
2. That there be no sale of the lot or issuance of a building permit until Aster Lane has been accepted by the Cape Elizabeth Town Council as a public road; and
3. That the above conditions be added to the subdivision recording plat.