

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: August 19, 2014
SUBJECT: Cardinal Lane Private Road Extension/Resource Protection Permit

Introduction

Suzanne Gabriel is requesting an extension of the existing Cardinal Lane Private Road and a Resource Protection Permit to create road access to a new lot. The plan will be reviewed under Sec. 16-2-3 of the Subdivision Ordinance and Sec. 19-8-3, Resource Protection Permit. The comments of the Town Engineer are attached.

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)

(a) Pollution

The road construction proposed is not expected to general undue water pollution. The construction is not located in a floodplain and no proposal for subsurface waste disposal is submitted for approval in this application. The slope of the land has been incorporated into the applicant's stormwater management plan. Applicable state and local health and water resource regulations are addressed in more detail below.

(b) Sufficient Potable Water

The road will be constructed with a 2" water line to supply future residential lots. A water stub for potential lot 5 is shown on the west end of the road right-of-way and should be relocated to avoid additional alteration of the wetland or possible wetland buffer.

(e) Erosion

The plan includes an erosion control plan including placement of silt fencing, loam and seeding of disturbed areas.

(d) Traffic

1. Road congestion and safety. The proposed road will not result in traffic volumes that exceed the capacity of Cardinal Lane or Cross Hill Rd.
2. Comprehensive Plan. The proposed road provides access to existing undeveloped lots.
3. Connectivity. The proposed road extends an existing road. Cardinal Lane intersects with Cross Hill Rd, which is not a dead end.
4. Safety. The very low volumes anticipated on the proposed road are not expected to create a safety hazard.
5. Through traffic. Cardinal Lane is not a through road.
6. Topography. There is little opportunity to vary the location of the road because it is proposed within a 50' wide corridor owned by the applicant.
7. Block Length. Not applicable.
8. Lot Access. The extension of Cardinal Lane continues the development of a lot that will be 12.5 acres in size after lot 4 is created. This zoning district requires 80,000 sq. ft. (about 2 acres) for a single lot. There is potential and an expectation that at least one additional lot will be created. For this reason, the applicant has revised the design of lot 4 so that the end of the road right-of-way may be extended in the future.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. No change is proposed.
11. Road Construction Standards. The road design includes some waivers from the local road standards. Full depth construction with an 18" deep gravel base is consistent with town standards. Width construction has been modified from 22' wide to 18' wide. Traveled way surface has been modified from 22' wide to 14' wide with 2' wide gravel shoulders. Town

staff are recommending that the traveled way width be increased to 18' with 2' wide gravel shoulders. This width will likely require the removal of mature trees.

(e) Sewage Disposal.

The proposed lot will connect to the existing public sewer service. A stub for a future lot 5 is shown on the west side near the end of the road. This stub should be relocated to avoid potential additional alteration of the wetland or any wetland buffer.

(f) Solid Waste Disposal.

Not applicable.

(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. The proposed road is located in a wooded area and will be altered to construct the road.
4. Farmland. No farmland is included in this application.

(h) Conformity with local ordinances

1. Comprehensive Plan. No portion of the application appears in direct conflict with the Comprehensive Plan.
2. Zoning Ordinance. The proposed lot is located in the RB District. A single lot may be created with a minimum lot size of 80,000 sq. ft.
3. Multiplex Housing. Not applicable.
4. Addressing Ordinance. No road name change is proposed.

(i) Financial and Technical Capability

The applicant has provided a letter from UBS Financial services as evidence of financial capability and a list of professionals retained as part of this application.

(j) Surface Waters

Not applicable.

(k) Ground Water

The development is not proposed within a significant aquifer recharge area.

(l) Flood Areas

The subdivision is not located in the 100-year floodplain.

(m) Wetlands

The proposed road will alter 4,220 sq. ft. of RP2 wetland. A resource protection permit has been requested as part of this application.

(n) Stormwater

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

(o) Lake Phosphorus concentration

The proposed construction is not within the watershed of a great pond.

(p) Impact on adjoining municipality

Not applicable.

(q) Land subject to Liquidation Harvesting

Not applicable.

(r) Access to Direct Sunlight

At 80,140 sq. ft., the lot has substantial potential for solar access.

(s) Buffering

The plan shows an unlabeled building envelope, a driveway location and de facto utility corridor. It has been the practice of the Planning Board to restrict

activities outside the building envelop and then count the existing vegetation outside the building envelope towards meeting the buffering standard. In order to continue this approach, the building envelop needs to be clearly labeled and then preservation of vegetation located outside the building envelope must be mandated.

In this case, it appears that there is a gap in existing vegetation on the north property line abutting the Laughlin property and on the south property line abutting the Mugar property. The board should determine if the overall existing vegetation is sufficient or if these gaps should be filled in with additional plantings.

(t) Open Space Impact Fee

Not applicable.

(u) Utility Access

The plans include utility locations for lot 4 and a potential lot 5.

(v) Phasing

Not applicable.

Resource Protection Permit Standards (Sec.19-8-3(B))

Below is a summary of the Resource Protection Permit standards of review and how they may be met.

1. Flow of surface/subsurface waters

No damming of surface or subsurface waters is proposed. A culvert is proposed to be installed under the road in the area of the wetland alteration to allow for the flow of water.

2. Impound surface waters

The culvert under the road is sized to allow free flow of water between both sides of the wetland.

3. Increase surface waters

The increase in impervious surface will increase surface water flows. The Town Engineer and Public Works Director have concluded "that no historical flooding conditions have been associated with the down gradient receiving culvert which drains into a tidally influenced marsh."

4. Damage to spawning grounds

The wetland alteration is not proposed in an area that has been identified as high value for wildlife.

5. Support of structures

The proposed road is designed to comply with town construction standards.

6. Aquifer recharge/groundwater

No high value aquifer is located in this area.

7. Coastal dunes

No work in coastal dunes or back dune areas is proposed.

8. Ecological/aesthetic values

The proposed road is an alteration that is allowed with a Resource Protection permit.

9. Wetland Buffer

There is no mandatory buffer for an RP2 wetland, however, the Planning Board is explicitly allowed to establish a buffer as a condition of permit issuance.

The Conservation Commission is recommending that the remaining wetland area located west of the proposed road be protected with a 50' wide buffer.

10. Erosion Control

The applicant has submitted an Erosion Control plan that includes protection during construction and revegetation of disturbed areas upon completion of construction.

11. Wastewater discharge

No discharge of wastewater is proposed.

12. Floodplain Management

No floodplains are located in the project area.

Motion for the Board to Consider

Findings of Fact

1. Suzanne Gabriel is requesting an extension of the existing Cardinal Lane Private Road and a Resource Protection Permit to create road access to a new lot, which requires review under Sec. 16-2-3 of the Subdivision Ordinance and Sec. 19-8-3, Resource Protection Permit.
2. The Town Engineer has recommended that additional information regarding the sewer extension be added to the plans.
3. The Conservation Commission is recommending that a buffer be established to protect the remaining wetland.
3. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1 and Sec 19-8-3, Resource Protection Permit Standards.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Suzanne Gabriel for an extension of the existing Cardinal Lane Private Road and a Resource Protection Permit to alter 4,220 sq. ft. of RP2 wetland be approved, subject to the following conditions:

1. That the plans be revised to address the recommendations in the Town Engineer's letter dated August 13, 2014;
2. That the building envelope be labeled. A note should be added to the plans restricting activities outside the building envelope to installation of a driveway, installation of utilities [and planting of additional vegetation]. The total area to be altered for the driveway and for the utilities shall be shown on the plan. Outside of these areas, no vegetation shall be removed outside the building envelope.
3. That the plans be revised to add a 50' wide buffer around the wetland and drainage channel located west of the proposed road and extend to the west property boundary, as shown on the illustration from the Conservation Commission. No removal of vegetation shall be permitted in the buffer.

4. That a note be added to the plan that there shall be no road construction until a performance guarantee has been provided to the town in accordance with Sec. 16-2-6 of the Subdivision Ordinance; and
5. That the plans be revised and submitted to the Town Planner for review and approval prior to recording the subdivision plat.