

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 21, 2014
SUBJECT: Old Sea Point Rd Subdivision Amendment

Introduction

Elaine Zavodni-Sjoquist is requesting an amendment to the previously approved Old Sea Point Rd Subdivision to reconfigure the lot lines for lot 5. Both application completeness and a public hearing has been schedule for this evening. The plan will be reviewed under Sec. 16-2-3 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 make a finding of completeness. If the application is deemed incomplete, Board members should identify the information needed to make the application complete and no substantive review of the application or a public hearing should occur. If the application is deemed complete, substantive review may begin.
- 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.

Completeness

The comments of the Town Engineer and the completeness checklist are attached. No items have been identified as incomplete.

Subdivision Review (Sec. 16-3-1)

(a) Pollution

The subdivision amendment will not result in undue pollution.

(b) Sufficient Potable Water

The applicant is proposing to install a private well to provide domestic water. The applicant has provided a letter from Goodwin Well & Water asserting that an adequate quantity and quality of water should be available by well.

(e) Erosion

No road or public utility construction will be required as part of this subdivision amendment.

(d) Traffic

1. Road congestion and safety. No change is proposed.
2. Comprehensive Plan. The proposed lot line changes are not inconsistent with the Comprehensive Plan.
3. Connectivity. No road changes are proposed.
4. Safety. No road changes are proposed.
5. Through traffic. Not applicable.
6. Topography. No new road construction is proposed.
7. Block Length. No new road construction is proposed.
8. Lot Access. The lot will have vehicular access from Old Sea Point Rd.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. Not applicable.
11. Road Construction Standards. Not applicable.

(e) Sewage Disposal.

The lot will be served by a subsurface wastewater disposal system. The HHE-200 form depicting the system design has been reviewed by the code enforcement officer.

(f) Solid Waste Disposal.

No change is proposed.

(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 lot line confines the new lot to the higher elevation and avoids larger cuts and fills.
4. Farmland. No farmland is included in the proposed lot.

(h) Conformity with local ordinances

1. Comprehensive Plan. The proposed amendment is consistent with the comprehensive plan.
2. Zoning Ordinance. The proposed amendment is consistent with the zoning ordinance.
3. Multiplex Housing. Not applicable.
4. Addressing Ordinance. Not applicable.

(i) Financial and Technical Capability

The applicant has provided a letter from Charles Schwab Bank asserting adequate funds to complete the project.

(j) Surface Waters

The amended lot is not located within 250' of a surface water body.

(k) Ground Water

The amended lot is not located in a significant aquifer recharge area.

(l) Flood Areas

The subdivision is not located in the floodplain.

(m) Wetlands

No wetland alteration is proposed.

(n) Stormwater

The proposed lot line change will not significantly impact stormwater.

(o) Lake Phosphorus concentration

The proposed lot line change will not unreasonably increase the phosphorus levels of a great pond.

(p) Impact on adjoining municipality

Not applicable

(q) Land subject to Liquidation Harvesting

Not applicable

(r) Access to Direct Sunlight

The lot line change will have the same access to sunlight.

(s) Buffering

The proposed lot will include a building envelop. Activities outside the building envelop are restricted to preserve existing vegetation for a buffer.

(t) Open Space Impact Fee

Not applicable.

(u) Utility Access.

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

(v) Phasing.

Not applicable.

Motions for the Board to Consider

A. Motion for Completeness

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Elaine Zavodni-Sjoquist for an amendment to the previously approved Old Sea Point Rd Subdivision to reconfigure the lot lines for lot 5 be deemed (complete/incomplete).

B. Motion for Approval

Findings of Fact

1. Elaine Zavodni-Sjoquist is requesting an amendment to the previously approved Old Sea Point Rd Subdivision to reconfigure the lot lines for lot 5, which requires review under Sec. 16-2-5, Amendments to previously approved subdivisions.
2. The applicant will be deeding land outside lot 5 to the abutter, resulting in no new subdivision lot.
3. 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 Elaine Zavodni-Sjoquist for an amendment to the previously approved Old Sea Point Rd Subdivision to reconfigure the lot lines for lot 5 be approved, subject to the following condition:

1. That a note be added to the plan that the land remaining outside lot 5 will be deeded to the abutter.