

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: June 16, 2015
SUBJECT: Cottage Brook Condominiums Subdivision Amendment

Introduction

Cottage Brook LLC is requesting amendments to the previously approved subdivision (approved as Spurwink Woods, now known as Cottage Brook) to change the footprints of the condominium units located off Aster Lane. The plan will be reviewed under Sec. 16-2-5, Amendments to Previously Approved Subdivisions.

Procedure

- The Planner will provide a summary of the project within the context of town regulations.
- The applicant will summarize the proposed changes.
- The Board will begin with a finding of completeness. If the application is deemed incomplete, Board members should identify the items needed to make the application complete and no substantive discussion of the application should occur. If the application is deemed complete, the Board may begin review.
- The Board should then open the public hearing that has been advertised for this evening, subject to a finding of completeness.
- 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 comments of acting Town Engineer Steve Bradstreet of Ransom Consulting are attached. Only the subdivision standards of review found below which relate to the proposed amendments are addressed.

(a) Pollution

No change.

(b) Sufficient Potable Water

No change

(e) Erosion

No change.

(d) Traffic

1. Road congestion and safety. No change.
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. No change.
9. Sidewalks/pedestrian connections. No change.
10. Road Name. Town staff is recommending that the plan be updated to reflect the current road names.

The original subdivision approval assigned "South Street" as the name of the main road in the subdivision. Subsequent to construction of Phase 1, the original South Street, which remains private, was blocked off from the new town accepted road. In accordance with the Addressing Ordinance, the Police Chief and Town Assessor agreed that the new public portion of South Street should be renamed, and the name Aster Lane was agreed to.

As part of this subdivision amendment, the plan should be revised to label the main road as Aster Lane. Further, the two condo roads should also be renamed to avoid using names already in use.

11. Road Construction Standards. No change.

(e) Sewage Disposal.

No change.

(f) Solid Waste Disposal.

No change.

(g) Aesthetic, cultural and natural values

1. Scenic. No change.
2. Wildlife. No change.
3. Natural features. No change.
4. Farmland. No change.

(h) Conformity with local ordinances

1. Comprehensive Plan. No change.
2. Zoning Ordinance. No change.
3. Multiplex Housing. No change.
4. Addressing Ordinance. As described above, the private condo roads should be provided with names that do not duplicate street names already in use.

(i) Financial and Technical Capability

The applicant has provided a letter from Biddeford Savings regarding financial capability. The owner of the LLC, Joel FitzPatrick, has a long record of successfully completing projects in Cape Elizabeth.

(j) Surface Waters

No change.

(k) Ground Water

No change.

(l) Flood Areas

No change.

- (m) Wetlands

No change.

- (n) Stormwater

The slight change in the condominium unit building footprints necessitates small changes to finish grading. The overall stormwater plan for the site is not changing. The Acting Town Engineer Steve Bradstreet has reviewed the stormwater plan and supports the approach.

- (o) Lake Phosphorus concentration

No change.

- (p) Impact on adjoining municipality

No change.

- (q) Land subject to Liquidation Harvesting

- (r) Access to Direct Sunlight

No change.

- (s) Buffering

No change.

- (t) Open Space Impact Fee

No change.

- (u) Utility Access.

No change.

- (v) Phasing.

No change.

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 Cottage Brook LLC for amendments to the previously approved subdivision (approved as Spurwink Woods, now known as Cottage Brook) to change the footprints of the condominium units located off Aster Lane be deemed (complete/incomplete).

B. Motion for Approval

Findings of Fact

1. Cottage Brook LLC is requesting amendments to the previously approved subdivision (approved as Spurwink Woods, now known as Cottage Brook) to change the footprints of the condominium units located off Aster Lane, which requires review under Sec. 16-2-5, Amendments to Previously Approved Subdivisions.
2. Road name changes authorized under the Addressing Ordinance should be reflected in the updated plans.
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 Cottage Brook LLC for amendments to the previously approved subdivision (approved as Spurwink Woods, now known as Cottage Brook) to change the footprints of the condominium units located off Aster Lane be approved, subject to the following conditions:

1. That the plans be revised to update the name of Aster Lane; further that the condominium private roads located north and south of Aster Lane each be individually renamed in accordance with the Addressing Ordinance. The plans should then be updated with the new road names;
2. That the plans be revised and submitted to the Town Planner for review and approval prior to recording the subdivision plat.
3. That there be no issuance of a building permit, nor alteration of the site until a performance guarantee has been submitted in a form acceptable to the Town

Attorney, an amount acceptable to the Acting Town Engineer, and all acceptable to the Town Manager.