

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: August 18, 2015
SUBJECT: Robinson Woods RP permit

Introduction

The Cape Elizabeth Land Trust is requesting a Resource Protection Permit to install 250' of 30" wide boardwalk and 60' of vernal pool fencing in RP1 and RP2 wetlands in Robinson Woods located on Shore Rd. The application will be reviewed for compliance with Sec. 19-8-3, Resource Protection Regulations.

Procedure

- The Board may want to begin by having the applicant summarize the project.
- 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 discussion of the project should occur. If the application is deemed complete, the Board may begin review of the project.
- A public hearing has been advertised for this evening.
- At the close of the public hearing, the Board has the option to approve, approve with conditions, deny or table the application.

Summary of Completeness

The completeness checklist and the comments of the Town Engineer are attached. No items appear to be incomplete, although the applicant has requested waivers that appear compatible with the low impact on the property.

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

The proposed structures will be elevated from the surface of the ground and not impact water flows.

2. Impound surface waters

The proposed structures are elevated from the surface of the ground in a manner that will not impound surface waters.

3. Increase surface waters

An increase of 250' long by 30" wide in impervious surface will be added by the proposed boardwalk, which is not a measurable increase to stormwater flows.

4. Damage to spawning grounds

The boardwalks are intended to protect fragile soils from trail user traffic and the vernal pool fencing is intended to create a visual barrier to protect vernal pools.

5. Support of structures

The boardwalk will be supported with 4" to 6" square timbers, which is a commonly used boardwalk construction method in Cape Elizabeth. The Conservation Commission is recommending that the boardwalks be constructed to include a ramp at each end.

6. Aquifer recharge/groundwater

The boardwalk will not interrupt any aquifer/groundwater recharge.

7. Coastal dunes

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

8. Ecological/aesthetic values

The boardwalk installation is commonly found on Cape Elizabeth greenbelt trails and facilitates public access and enjoyment of the ecological and aesthetic values of the area in which the boardwalk is installed.

9. Wetland Buffer

No buffer is proposed because the boardwalk is needed due to wetland soils where the trails are located.

10. Erosion Control

No vegetation is proposed to be removed as part of installation and the addition of boardwalk is expected to reduce existing and potential erosion.

11. Wastewater discharge

No discharge of wastewater is proposed as part of the project scope.

12. Floodplain Management

As with a similar Resource Protection Permit issued by the Planning Board to the Land Trust for the same property in 2013, it appears that the boardwalks may be located in the 100 year floodplain. Where a boardwalk is located within the 100 year floodplain, a floodplain permit will be required from the Code Enforcement Officer.

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 the Cape Elizabeth Land Trust for a Resource Protection Permit to install 250' of 30" boardwalk and 60' of vernal pool fencing in RP1 and RP2 wetlands in Robinson Woods located on Shore Rd, be deemed (complete/incomplete).

B. Motion for Approval

Findings of Fact

1. The Cape Elizabeth Land Trust is requesting a Resource Protection Permit to install 250' of 30" wide boardwalk and 60' of vernal pool fencing in RP1 and RP2 wetlands in Robinson Woods on Shore Rd, which requires review under Sec. 19-8-3, Resource Protection Regulations.
2. The Conservation Commission recommends that ramps be included on each end of the boardwalks.
3. Based on materials from a prior Resource Protection Permit application, the boardwalks appear to be installed in the 100 year floodplain.

4. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Cape Elizabeth Land Trust for a Resource Protection Permit to install 250' of 30" wide boardwalk and 60' of vernal pool fencing in RP1 and RP2 wetlands in Robinson Woods on Shore Rd be approved, subject to the following conditions:

1. That the boardwalks be constructed with a ramp on each end;
2. That the applicant obtain a floodplain permit from the Code Enforcement Officer; and
3. There there be no alteration of the site until the above conditions are satisfied.