

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: January 17, 2017  
SUBJECT: 11 Angell Walking Path Resource Protection Permit

### Introduction

Ernest and Geraldine Fusco are requesting a Resource Protection Permit to alter 100 sq. ft. of RP2 wetland for a path/boardwalk located at 11 Angell Point 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.
- The Board should decide if a site walk will be scheduled.
- A public hearing has been scheduled for this evening.
- At the close of discussion, the Board has the option to approve, approve with conditions, deny or table the application.

### Summary of Completeness

The completeness checklist is attached. No items appear to be incomplete, however, the applicant has requested waivers for the following:

1. A topographic map showing contours
2. A written description of the vegetative cover
3. The location and flow direction of watercourse
4. A stormwater runoff plan
5. Delineation of building envelope

### 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 path has a vegetative surface that will not obstruct the flow of surface waters across the path. If the surface becomes muddy, the proposed boardwalk will be elevated off the path and the method of construction allows free flow of surface waters under the boardwalk.

2. Impound surface waters

Neither the path nor the boardwalk will function as a dam of surface waters.

3. Increase surface waters

The path has a vegetated surface and proposed light use may not adversely impact the vegetation and the vegetation will continue to absorb surface waters. If the boardwalk is installed, the increase of 100 sq. ft. of impervious surface, with vegetation under the boardwalk will not measurably increase surface water flows.

4. Damage to spawning grounds

No spawning grounds have been identified in the project area.

5. Support of structures

No structures, except for the proposed boardwalk, are located in the area of the path.

6. Aquifer recharge/groundwater

No change in water flows is proposed and no impact to groundwater is expected.

7. Coastal dunes

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

8. Ecological/aesthetic values

The area on either side of the path/boardwal will remain vegetated.

9. Wetland Buffer

No buffer is proposed as the work, by its nature, will be located entirely in the wetland area.

10. Erosion Control

No removal of vegetation is proposed, so increase in erosion is expected.

11. Wastewater discharge

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

12. Floodplain Management

No floodplains are located in the project area.

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 Ernest and Geraldine Fusco for a Resource Protection Permit to alter 100 sq. ft. of RP2 wetland for a path/boardwalk located at 11 Angell Point Rd be deemed (complete/incomplete) and will include waiver of submission of the following:

1. A topographic map showing contours
2. A written description of the vegetative cover
3. The location and flow direction of watercourse
4. A stormwater runoff plan
5. Delineation of building envelope

**B. Motion for Approval**

Findings of Fact

1. Ernest and Geraldine Fusco are requesting a Resource Protection Permit to alter 100 sq. ft. of RP2 wetland for a path/boardwalk located at 11 Angell Point Rd, which requires review under Sec. 19-8-3, Resource Protection Regulations.
2. The proposed path/boardwalk (will/ will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;
3. The proposed path/boardwalk (will/ will not) impound surface waters or reduce the absorptive capacity of the alteration area so as to cause or increase the flooding of adjacent properties;
4. The proposed path/boardwalk (will/ will not) increase the flow of surface waters across, or the discharge of surface waters from, the alteration area so as to threaten injury to the alteration area or to upstream and/ or downstream lands by flooding, draining, erosion, sedimentation or otherwise;
5. The proposed path/boardwalk (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
6. The proposed path/boardwalk (will/ will not) pose problems related to the support of structures;
7. The proposed path/boardwalk (will/ will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
8. The proposed path/boardwalk (will/ will not) disturb coastal dunes or contiguous back dune areas;
9. The proposed path/boardwalk (will/ will not) maintain or improve ecological and aesthetic values;
10. The path/boardwalk (will/ will not) damage any vegetated buffer area between the wetland and adjacent land uses;
11. The path/boardwalk (will/ will not) cause erosion;
12. The path/boardwalk (will/ will not) include discharge of wastewater; and

13. The path/boardwalk (is/is not) located in the Resource Protection-Floodplain District.
14. 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 Ernest and Geraldine Fusco for a a Resource Protection Permit to alter 100 sq. ft. of RP2 wetland for a path/boardwalk located at 11 Angell Point Rd be approved.