

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: March 21, 2017
SUBJECT: Maxwell Woods Subdivision/Cottage Brook Subdivision Amendment

Introduction

Joel FitzPatrick, dba Maxwell Woods LLC, is requesting Major Subdivision Review and a Resource Protection Permit to construct a 46 unit project consisting of 38 condominiums and 8 apartments (in two buildings) located at 112-114 Spurwink Ave. He is also requesting amendments to the Cottage Brook Subdivision to accommodate grading changes related to the construction of Aster Ln. The project will be reviewed for compliance with Sec. 16-2-4, Major Subdivision Review, Sec. 19-8-3, Resource Protection Permit regulations, and Sec. 16-2-5, Amendments to a previously approved Subdivision.

Procedure

- The applicant will summarize any changes made to the plans since the last meeting.
- Once an opportunity for public comment has been provided, 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 development has been designed to avoid discharge of pollution. Discharge of potential pollutants is discussed in further detail below.

(b) Sufficient Potable Water

The development will be served with public water. A letter from the Portland Water District has been submitted confirming that the project can be served with public water.

(e) Erosion

The applicant has submitted an Erosion and Sedimentation Control Plan.

(d) Traffic

1. Road congestion and safety. The applicant has submitted a traffic analysis demonstrating that there will be no decrease in the level of service on the adjacent road system with the addition of traffic generated by the development.
2. Comprehensive Plan. The proposed road system is consistent with the Comprehensive plan in its design of a connected road system, provision of facilities for pedestrians and construction design of the roads.
3. Connectivity. The construction of Aster Lane completes a connected loop road system first anticipated as part of the Cottage Brook development.
4. Safety. There are no high crash locations adjacent to the development and the applicant has proposed the removal of ledge, trees and shrubs within the right-of-way to achieve the minimum sight distance on Spurwink Ave.
5. Through traffic. The connected loop road system will not provide a faster route for traffic on Spurwink Ave and does not promote through traffic.
6. Topography. Road construction will require cuts and fills to ease transition between grade changes. The steep grade change on the west side of the property will be preserved as open space, avoiding cuts and fills that would be needed if a road were constructed in that location.
7. Block Length. Block lengths are not applicable to this project as the road layout has been created to promote connectivity between multiple land parcels.
8. Lot Access. Each unit will have vehicular access to proposed roadways. Maxwell Woods Rd will be private and managed by the condominium association for the benefit of all the condominium unit owners.
9. Sidewalks/pedestrian connections. Sidewalks are proposed along Aster Lane, separated from the road with a 7' wide grassed esplanade planted with street trees. No sidewalk is proposed on Maxwell Woods Rd. A greenbelt trail created as part of the Cottage Brook development will be enhanced by doubling the width of the area the trail is located in. Additional trails will circle the condominium and connect back to Aster Lane.

The existing trail in Cottage Brook will be severed by several feet of topographical change where Aster Lane will be constructed. The Planning Board may want to have the developer propose a trail design that mitigates the steep grade change and maximizes the functionality of the trail.

10. Road Name.

The Police Chief has reviewed the plans and does not object to the proposed road names.

11. Road Construction Standards.

The Town Engineer has reviewed the proposed road construction design and recommended revisions to the plans.

(e) Sewage Disposal.

All lots will be served by a gravity public sewer system. The Sewer Superintendent, Robert Malley, has confirmed with the Portland Water District that there is adequate capacity in the sewer system to accommodate anticipated flows from the development.

(f) Solid Waste Disposal.

Solid waste will be handled by a private contractor.

(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 on the property.
3. Natural features. The applicant is required to preserve natural features "whenever practical." Almost the entire property is wooded, and development will result in clearing most of the forest to accommodate new construction. A contiguous area of open space which is currently wooded will be preserved on the western side of the project.
4. Farmland. The applicant is proposing to preserve existing farmland (2.07 acres) as part of the open space preservation of the project.

(h) Conformity with local ordinances

1. Comprehensive Plan. The project is located in the RC District, which is identified as a growth area in the comprehensive plan. The project is designed as a clustered development, with 45% of the gross area preserved as open space. The project will be served by public water and public sewer, all of which is recommended by the Comprehensive Plan.

2. Zoning Ordinance.

Sheet 2 of 38, Notes 14 and 15, describe the total area and density of the project and how the project complies with the Zoning Ordinance.

3. Multiplex Housing. Sec. 19-7-2 (E) of the Zoning Ordinance provides for multiplex housing performance standards. The applicant has described how the multiplex standards have been met in the letter dated March 6, 2017, p. 7-10.

The Board may want to note that the apartment buildings will be 3' - 5' lower than Aster Lane.

4. Addressing Ordinance. All proposed units face the street, providing for numbering in compliance with the Addressing Ordinance.

(i) Financial and Technical Capability

The applicant has provided a letter of financial commitment from Biddeford Savings Bank and a list of professionals with experience in designing subdivisions.

(j) Surface Waters

The project is not located in the Shoreland Zone. A portion of Aster Lane will be constructed in the area of an existing farm road located next to a pond. The road construction and stormwater management plan, as well as annual stormwater maintenance requirements, protect the pond from detrimental impacts.

(k) Ground Water

The project will be served by public water and public sewage disposal and is not expected to impact groundwater.

(l) Flood Areas

The subdivision is not located in the floodplain.

(m) Wetlands

No wetland alteration is proposed.

(n) Stormwater

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

(o) Lake Phosphorus concentration

There is no great pond within the immediate vicinity of the development. Stormwater discharge within the development will be treated in accordance with MaineDEP chapter 500 rules.

(p) Impact on adjoining municipality

The development does not abut another municipality.

(q) Land subject to Liquidation Harvesting

The development is not located on land that has been subject to liquidation harvesting.

(r) Access to Direct Sunlight

The proposed structures will have unrestricted access to the sun, in large part due to the clustering of the development and preservation of a contiguous, wooded open space.

(s) Buffering

Some preservation of existing vegetation will occur on the west portion of the site and north of the apartment buildings. Due to the clustering of the development and topographic changes, there will be little opportunity to preserve existing vegetation along most of the northeastern side of the property. Instead, new plantings will be needed to establish a buffer, especially where the Cottage Brook trail is located.

The applicant has indicated that a detailed buffering plan for this area will be forthcoming.

The two access points where Maxwell Woods Rd connect with Aster Lane are 25' apart. It is important that the separation area be well landscaped so they are perceived as separate entrances and also to break up what otherwise is a concentration of paving. While Maxwell Woods Rd does not have a sidewalk, both sides of the road will be lined with deciduous trees, the species of which are in compliance with Appendix C of the Subdivision Ordinance.

(t) Open Space Impact Fee

On sheet 33 of 38, the dark blue and beige areas indicate the open space to be preserved. Of a gross land area of 18.17 acres, 8.46 acres will be preserved, which is more than the minimum 45% required. Most of the land will be retained by the condominium association with a permanent conservation easement and most of that land will include a pedestrian easement to be deeded to the town. An additional 1.52 ± areas will also be deeded to the town as contiguous with open already owned by the town as part of the Cottage Brook development.

The Board should note that the open space to be preserved includes lawn area behind the condominiums (shown in dark blue). This area will be cleared as part of construction of the condominium units, regraded, loamed and seeded and then preserved from development.

(u) Utility Access.

The applicant has provided letters that there will be adequate public water, public sewer, electric and telephone capacity to serve the subdivision.

(v) Phasing.

No phasing is proposed.

Motion for the Board to Consider

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Joel FitzPatrick, dba Maxwell Woods LLC, is requesting Major Subdivision Review and a Resource Protection Permit to construct a 46 unit project consisting of 38 condominiums and 8 apartments (in two buildings) located at 112-114 Spurwink Ave and amendments to the Cottage Brook Subdivision to accommodate grading changes related to the construction of Aster Ln be tabled to the regular April 24, 2017 meeting of the Planning Board.

