

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: November 21, 2017  
SUBJECT: Bailyn-Morris Resource Protection Permit

### Introduction

Ronald Bailyn and Patricia Morris are requesting an after the fact Resource Protection Permit for 1,557 sq. ft. of fill in an RP2 wetland for landscaping and an additional 275 sq. ft. of temporary alteration to replace drainage pipe located at 26 Hannaford Cove Rd. The application will be reviewed for completeness with Sec. 19-8-3, Resource Protection Permit regulations.

### Procedure

- The Board should begin with an introduction of the project by the applicant.
- The Board should then take public comment on completeness.
- The Board should make a finding on 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 application should occur. If the application is deemed complete, substantive review may begin.
- The Board should decide if a site walk and/or a public hearing will be scheduled.
- At the end of discussion, the Board has the option to approve, approve with conditions, deny or table the application.

### Summary of Completeness

The Resource Protection Permit Completeness Checklist and the comments of the Town Engineer are attached. The wetland mapping provided as part of the building permit for the house is also attached for reference purposes. Below is a summary of possible incomplete items:

2. The applicant is requesting a waiver from providing 1' topographic contours and has provided 2' contours.
5. The applicant has requested a waiver from providing vegetative wetland cover information and has mapped wetlands based on soils.

6. The applicant has requested a waiver from providing a high intensity soils survey and has instead provided a wetland soils report.
9. The applicant has requested a waiver from providing a stormwater runoff plan prepared by professional engineer.
10. The plan does not include the location of the hot tub, which has a concrete pad located in the RP2 wetland.
11. The applicant has provided information that existing fill of RP2 wetlands totals 1,557 sq. ft., plus 275 sq. ft. of temporary alteration to install the drainage pipe. The plan also shows the limit of the mowed lawn area and back yard fencing, both of which appear to be within the original RP2 wetland boundary. In addition, the installation of the drainage pipe will serve to drain the wetland, presumably toward the limits of the fenced in area. Permanent alteration of more than 1,557 sq. ft. seems likely.
15. Evidence of Right, title and interest. The applicant provided the deed transferring the land from the prior owner. Attached is the deed conveying land to the applicants.

#### 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 Ronald Bailyn and Patricia Morris for an after the fact Resource Protection Permit for 1,557 sq. ft. of fill in an RP2 wetland for landscaping and an additional 275 sq. ft. of temporary alteration to replace drainage pipe located at 26 Hannaford Cove Rd be deemed (complete/incomplete), and include granting the following waivers of information:

1. Waiver of topographic contours of 1' and instead providing contour information at 2' intervals.
2. Waiver of a written description and map of wetland vegetative cover and instead providing wetland soils information.
3. Waiver of a high intensity soils survey and instead a wetland soils report prepared by Soils Scientist licensed in the State of Maine.

4. Waiver of a stormwater runoff plan prepared by a professional engineer.

**B. Motion to Table** (with public hearing)

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Ronald Bailyn and Patricia Morris for an after the fact Resource Protection Permit for 1,557 sq. ft. of fill in an RP2 wetland for landscaping and an additional 275 sq. ft. of temporary alteration to replace drainage pipe located at 26 Hannaford Cove Rd be tabled to the regular December 19, 2017 meeting of the Planning Board [at which time a public hearing will be held].