

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: January 16, 2018  
SUBJECT: Bailyn-Morris Resource Protection Permit

**Please bring the plans distributed at the December 19, 2017 meeting to this meeting.**

### 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 315 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 have the applicant summarize any changes made to the plans since the last meeting.
- The Board should allow up to 15 minutes for public comment.
- Following the close of public comment, the Board may begin discussion.
- At the end of discussion, the Board may approve, approve with conditions, table or deny the application.

### 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 existing drainage pipe is both deteriorating and clogged. The proposed pipe replacement will encourage the flow of subsurface waters.

2. Impound surface waters

The fill placed in the RP2 wetland has impeded the movement of surface and subsurface water, and the proposed pipe replacement will convey water through the filled area.

3. Increase surface waters

Following construction, disturbed areas will be revegetated and no additional impervious surface will be created. There is existing RP2 wetland on the applicants' property and located downstream of the pipe outlet.

4. Damage to spawning grounds

No high value wildlife area has been identified behind the home located at 26 Hannaford Cove Rd.

5. Support of structures

The proposed pipe should drain the area immediately adjacent to the home foundation and promote better soil stability for the structure.

6. Aquifer recharge/groundwater

No significant aquifer is located in the area and drainage will be discharged into a vegetated area.

7. Coastal dunes

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

8. Ecological/aesthetic values

The area of fill and pipe has been landscaped as a backyard.

9. Wetland Buffer

No buffer is proposed as the work, by its nature, will be located entirely in the wetland area. Existing RP2 wetland is located next to portions of the fill area and areas around the fill are vegetated.

10. Erosion Control

An erosion control plan including use of compost berms has been proposed.

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.

## Motion for the Board to Consider

### Findings of Fact

1. 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 315 sq. ft. of temporary alteration to replace drainage pipe located at 26 Hannaford Cove Rd, which requires a Resource Protection Permit under Sec. 19-8-3.
2. The proposed pipe replacement and fill (will/will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;
3. The proposed pipe replacement and fill (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 pipe replacement and fill (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 pipe replacement and fill (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
6. The proposed pipe replacement and fill (will/will not) pose problems related to the support of structures;
7. The proposed pipe replacement and fill (will/will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
8. The proposed pipe replacement and fill (will/ will not) disturb coastal dunes or contiguous back dune areas;
9. The proposed pipe replacement and fill (will/will not) maintain or improve ecological and aesthetic values;
10. The pipe replacement and fill (will/will not) maintain an adequate buffer area between the wetland and adjacent land uses;

11. The pipe replacement and fill (will/ will not) be accomplished in conformance with the erosion prevention provisions of Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission dated March, 1986, or subsequent revisions thereof;
12. The pipe replacement and fill (will/will not) be accomplished without discharging wastewater from buildings or from other construction into Wastewater Treatment Facilities in violation of Section 15-1-4 of the Sewage Ordinance; and
13. The proposed pipe replacement and fill (is/is not) located in a floodplain.
14. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

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 January 16, 2018 meeting of the Planning Board

1. That the plans be revised to address the Town Engineer's comments dated January 8, 2018;
2. That a note be added to the plan that erosion control will be accomplished in compliance with the Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission dated March, 1986, or subsequent revisions; and
3. That there be no alteration of the site nor issuance of a building permit until the plans have been revised to address the above conditions and submitted to the town planner.