

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: April 23, 2018  
SUBJECT: 2 Old Ocean House Rd Tree Loss Mitigation Plan

### Introduction

Margaret Angell and Nathaniel Fick are requesting review of an amendment to the Third Amended Hidden Court Subdivision plan to replace trees removed from the buffer. The plan will be reviewed under Sec. 16-2-5, Amendments, of the Subdivision Ordinance.

### Procedure

- The applicant will summarize the amendment proposal.
- The Board should then 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 application should occur. If the application is deemed complete, substantive review may begin.
- If the application is deemed complete, the Board should open the public hearing.
- Once the public hearing is closed, the Board may begin discussion of the application.
- The Board should decide if a site walk will be scheduled.
- At the end of discussion, if a site walk is scheduled, the Board should consider a motion to table the application. If no site walk will be held, then the Board has the option to approve, approve with conditions, table or deny the application.

### Summary of Completeness

The completeness checklist is attached. Below is a summary of possible incomplete items:

1. No demonstration of right, title or property interest has been submitted.
3. Current survey information has not been provided. The applicant has included a copy of the second amended subdivision plan. The applicants submitted and were granted approval of a third amended subdivision plan by the Planning Board, which was recorded 8/3/2017.
4. No information regarding topography, surface drainage, or soils have been submitted.
6. No erosion control plan has been provided.
10. No discussion of aesthetic, cultural or natural information.

16. No wetlands information has been provided.
18. No statement regarding liquidation harvesting has been provided.
21. No information regarding the location of utilities has been provided.

Subdivision Review (Sec. 16-3-1)

(a) Pollution

The proposal to plant 6 trees in the buffer should not normally result in pollution. The buffer area is not located in a floodplain, no waste disposal in the soil is proposed and no effluents are anticipated.

(b) Sufficient Potable Water

Not applicable

(e) Erosion

Any soil disturbance should include stabilization of disturbed soils and treatment with mulch or loam and seed. No information regarding planting procedures has been provided.

(d) Traffic

Not applicable.

(e) Sewage Disposal.

Not applicable.

(f) Solid Waste Disposal.

Not applicable.

(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 (1989) conducted by the town.
2. Wildlife. No significant wildlife habitats have been identified.

3. Natural features. The Hidden Court subdivision plan includes designation of preservation areas and view corridors. No information about how this proposal relates to those significant natural features has been provided.

4. Farmland. No farmland has been identified within the project area.

(h) Conformity with local ordinances

The second amended subdivision plan submitted with the application includes a summary of ordinance specifications.

(i) Financial and Technical Capability

The Planning Board may want to obtain verbal confirmation from the applicants that they have sufficient financial resources to install the tree loss mitigation plan.

(j) Surface Waters

No surface waters appear to be located in the planting area.

(k) Ground Water

Not applicable.

(l) Flood Areas

The planting area is not located in the floodplain.

(m) Wetlands

It does not appear that any wetland is located in the planting area.

(n) Stormwater

No increase in impervious area is proposed.

(o) Lake Phosphorus concentration

Not applicable.

(p) Impact on adjoining municipality

Not applicable.

- (q) Land subject to Liquidation Harvesting

Likely not applicable.

- (r) Access to Direct Sunlight

No substantive change to sunlight access is expected.

- (s) Buffering

The proposed planting plan will replace 3 existing trees with 6 new trees in generally the same area. The trees removed included an 18" pine, an oak and a maple. Proposed replacements include 1 hornbeam (2" caliper), 1 serviceberry (6'-7' clump), 2 balsam firs (7'-8' height) and 2 fraser firs(7'-8'). All planting sizes are at time of planting.

- (t) Open Space Impact Fee

Not applicable.

- (u) Utility Access.

Because the new plantings will require digging, the applicant should confirm that no utilities are located in the planting area.

- (v) Phasing.

Not applicable.

#### Motion 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 Margaret Angell and Nathaniel Fick for review of an amendment to the Third Amended Hidden Court Subdivision plan to replace trees removed from the buffer be deemed (complete/incomplete).

- B. Motion for Approval

Findings of Fact

1. Margaret Angell and Nathaniel Fick are requesting review of an amendment to the Third Amended Hidden Court Subdivision plan to replace trees removed from the buffer, which requires review under Sec. 16-2-5, Amendments, of the Subdivision Ordinance.
2. The replanting plan must be accomplished in a manner that promotes survival of the new trees, that does not cause erosion or impact potential underground utilities.
3. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Margaret Angell and Nathaniel Fick for review of an amendment to the Third Amended Hidden Court Subdivision plan to replace trees removed from the buffer be approved, subject to the following conditions:

1. That the planting sizes shall be the minimum size required at the time of planting.
2. That the planting be done consistent with sound arboricultural standards and that any disturbed soil be mulched or loamed and seeded after the plantings are installed.
3. That, prior to planting, the applicant confirm that no utilities are located in the planting area.