

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: November 20, 2018  
SUBJECT: Appletree School Expansion

### Introduction

Pam Mullin is proposing to expand the existing Appletree School, located at 44 Two Lights Rd, from 20 to 40 children. The proposal triggers amendments to the previously approved site plan. Installation of sanitary sewer pipe in an RP2 wetland and temporary disturbance of RP2 wetland as part of construction of an addition outside the wetland requires a Resource Protection Permit. The purchase of land from an abutter also requires an amendment to the subdivision approval that created both lots. The town engineer's comments are attached. The application will be reviewed for compliance with Sec. 19-9, Site Plan regulations, Sec. 19-8-3, Resource Protection District requirements and Sec. 16-2-5, Amendments to previously approved subdivisions.

### Procedure

- The Board should have the applicant summarize any changes to the plan.
- The Board should then open the public hearing scheduled for this evening.
- At the close of the public hearing, the Board may begin discussion.
- When discussion ends, the Board has the option to approve, approve with conditions, table or deny the application.

### Site Plan Review Standards

Below is a summary of application compliance with the Site Plan standards, Sec. 19-9-5.

#### 1. Utilization of the Site

A 227 sq. ft. addition is proposed to the northwest side of the barn, an area currently maintained as lawn. The existing parking area will also be expanded to the northwest. The proposed site changes are clustered in the developed portion of the site.

#### 2. Traffic Access and Parking

- a. Adequacy of Road System- The applicant has provided information from the Maine Department of Transportation that, adding in the new traffic from the school expansion, Two Lights Rd will be at only 14% capacity.
- b. Access into the Site- Existing access points will be used and sight distance will be improved with trimming of existing vegetation.
- c. Internal Vehicular Circulation-The existing circulation pattern will be improved by creating a loop circulation with the existing driveway designated for entering traffic and a new driveway designated for exiting traffic.
- d. Parking Layout and Design- The applicant has observed that the school has a maximum of 8-9 vehicles parked during the time it is in operation. If the school doubles in size, the number of parking spaces may also need to double. The applicant has noted that multiple students from the same family and carpooling of families may result in the need for less than the double the current amount.

The applicant is proposed an 18 space parking lot designed to meet the standards of Sec. 19-7-8, Off-street parking. The improvement efficiency of the proposed parking lot layout should also improve upon the existing parking onsite.

3. Pedestrian Circulation

No change is proposed.

4. Stormwater Management

The project will create an additional 2,739 sq. ft. of impervious surface. Proposed grading will direct approximately 3,718 sq. ft. of impervious surface to the proposed rain garden, where stormwater will be filtered before discharging into the wetland located on the east side of the property.

5. Erosion Control

A rain garden will be installed into a mapped RP2 wetland at the rear of the barn. The rain garden has 595 sq. ft of storage. The applicant has also obtained permission from the abutters, the Wardes, to install temporary erosion control along the north side of the new parking lot.

6. Utilities

The Portland Water District has confirmed that public water can be provided for the expanded use.

Utilities will be provided by connecting to existing services within the existing building.

7. Shoreland Relationship

The property is not located in the Shoreland Overlay Performance District.

8. Landscaping and Buffering

Ten new jersey tea shrubs will be planted between the parking lot and Two Lights Rd to buffer the view of the parking lot.

9. Exterior Lighting

Existing lighting illuminate the parking lot and existing building entrances. The lighting level at the property line has been measured to exceed .02 footcandles. The applicant has indicated that the school sign may also be lit. Information on the sign lighting type and lighting level not to exceed .5 footcandles should be provided

10. Signs

The applicant is proposed a 34" x 38" sign, which is less than the maximum size allowed in the Sign Ordinance.

11. Noise

The applicant has submitted decibel measurements showing the maximum decibel level of 55 is not exceeded.

12. Storage of Materials

Other than existing storage sheds, no exterior storage is proposed.

13. Technical and Financial Capacity

Town Manager Matthew Sturgis has advised the Planning Board that, after reviewing funding needs and applicant assets, the applicant has the financial capacity to complete the project. The applicant has also retained professionals with expertise in development.

Resource Protection Permit Standards (Sec.19-8-3(B))

The applicant will be altering 1,319 square feet of RP2 wetland, as follows:

sanitary sewer line installation	567 sq. ft.
temporary construction disturbance	157 sq. ft.
rain garden	595 sq. ft.
 TOTAL	 1,319 sq. ft.

Except for the rain garden, remaining areas will be restored to their existing condition prior to the school expansion. The rain garden is proposed in a filled wetland area and may be considered a wetland restoration. A temporary alteration 157 sq. ft. of wetland is proposed adjacent to the proposed addition to provide a 10' wide area to accommodate construction activities.

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 wetland alterations will be restored to original grade, except for the rain garden, which is designed for slow discharge of water after filtering.

2. Impound surface waters

No surface waters will be impounded as a result of the wetland alterations.

3. Increase surface waters

No increase in impervious surface is proposed in the wetlands.

4. Damage to spawning grounds

No significant spawning areas have been identified on the site.

5. Support of structures

No structures are proposed in the RP2 wetland.

6. Aquifer recharge/groundwater

No change to discharge of surface waters is proposed, except for the redirection of stormwater to the rain garden. All stormwater from the parking lot eventually enters the wetland located on the east end of the property.

7. Coastal dunes

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

8. Ecological/aesthetic values

Except for establishment of the rain garden, no surface change to wetlands is proposed.

9. Wetland Buffer

The proposed alterations are located in wetland that has been filled and landscaped.

10. Erosion Control

The applicant has submitted an Erosion Control plan that includes protection during construction and revegetation of disturbed areas upon completion of construction.

11. Wastewater discharge

A sanitary wastewater line is proposed to be installed in the wetland and connect to an existing subsurface wastewater disposal system located in a nonwetland area.

12. Floodplain Management

No floodplains are located in the project area.

Subdivision Review (Sec. 16-3-1)

The Planning Board has previously found that the subdivision standards of review were met when the Spinnaker Heights Subdivision was approved. Only the standards below that relate to the subdivision amendment (lot line adjustment between lot 2 and 3) will be reconsidered.

(d) Traffic

8. Lot Access.

Both lots retain substantial frontage on Two Lights Rd.

(e) Sewage Disposal.

The portion of lot 2 to be conveyed to lot 3 includes a wastewater subsurface disposal system area for lot 2. When lot 2 was developed, the subsurface wastewater disposal system was installed in the northwest corner of the lot adjacent to the house. The applicant has worked with the Code Enforcement Officer to determine that if an expansion of the existing subsurface wastewater disposal system was needed, it could be accommodated in the existing location.

(h) Conformity with local ordinances

2. Zoning Ordinance.

Both lots 2 and 3 retain at least 80,000 sq. ft. of land area and over 125' of road frontage.

(s) Buffering

Buffering between lots 2 and 3 in the area of the parking lot will be located on lot 2. There is no building envelope in this portion of lot 2 and existing vegetation is expected to remain.

Motion for the Board to Consider

**Motion for Approval**

Findings of Fact

1. Pam Mullin is proposing to expand the existing Appletree School, located at 44 Two Lights Rd, from 20 to 40 children, which requires review under Sec. 19-9, Site Plan Regulations, Sec. 19-8-3, Resource Protection District

Regulations and Sec. 16-2-3, Amendments to previously approved subdivisions.

2. The plan for the development (is/is not) consistent with the natural capabilities of the site to support development.
3. Access to the development (will/will not) be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site (will/will not) be safe. Parking (will/will not) be provided in accordance with Sec. 19-7-8, Off-Street Parking.
4. The plan (does/does not) include an existing system of pedestrian ways within the development.
5. The plan (does/does not) provide for adequate collection and discharge of stormwater.
6. The development (will/will not) cause soil erosion, based on the erosion plan submitted.
7. The development (will/will not) be provided with an adequate quantity and quality of potable water.
8. The development (will/will not) provide for adequate sewage disposal.
9. The development (will/will not) be provided with access to utilities.
10. The development (will/will not) locate, store or discharge materials harmful to surface or ground waters.
11. The development (will/will not) provide for adequate disposal of solid wastes.
12. The development (will/will not) adversely affect the water quality or shoreline of any adjacent water body.
13. The applicant (has/has not) demonstrated adequate technical and financial capability to complete the project.
14. The development (will/will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;

15. The development (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;
16. The development (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;
17. The development (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
18. The development (will/will not) pose problems related to the support of structures;
19. The development (will/will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
20. The development (will/ will not) disturb coastal dunes or contiguous back dune areas;
21. The development (will/will not) maintain or improve ecological and aesthetic values;
22. The development (will/will not) maintain an adequate buffer area, if it has not already been altered, between the wetland and adjacent land uses;
23. The development (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;
24. The development (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
25. The development (is/is not) located in a floodplain.
26. The subdivision amendment (will/will not) cause unreasonable road congestion or unsafe vehicular and pedestrian traffic. All lots (are/are not) provided with vehicular access.



27. The subdivision amendment (will/ will not) provide for adequate sewage disposal.
28. The subdivision amendment (is/is not) compatible with applicable provisions of the Zoning Ordinance.
29. The application substantially complies with Sec. 19-9, Site Plan Regulations, Sec. 19-8-3, Resource Protection Regulations, and Sec. 16-2-5, Amendments to previously approved subdivisions.

Therefore, BE IT ORDERED that, based on the plans and the materials submitted and the facts presented, the application of Pam Mullin to expand the Appletree School, located at 44 Two Lights Rd, from 20 to 40 children be approved subject to the following conditions:

1. That the plans be revised to address the comments of the town engineer in his letter dated 11/14/2018;
2. That information on the sign lighting be submitted demonstrating that lighting levels will not exceed .5 footcandles at the property line;
3. That there be no alteration of the site nor issuance of a building permit until the plans are revised to satisfy the above conditions and submitted to the town planner.