

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: September 17, 2019
SUBJECT: Hemlock Hill Rd Drainage Improvements

Introduction

The Town of Cape Elizabeth is requesting a Resource Protection Permit and subdivision amendments to the Hemlock Hill and Oakhurst Glen Subdivisions as part of a drainage improvement project to be constructed at the end of Hemlock Hill Rd. The application will be reviewed for compliance with Sec. 19-8-3, Resource Protection Regulations and Sec. 16-2-5, Amendments to Previously approved subdivisions.

Procedure

- The Board may want to begin by having the applicant summarize the project.
- The Board should 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 project should occur. If the application is deemed complete, the Board may begin review of the project.
- The Board held a site visit on September 3, 2019.
- If the application is deemed complete, a public hearing advertised for this evening should be held.
- At the close of discussion, the Board has the option to approve, approve with conditions, deny or table the application.

Summary of Completeness

The Resource Protection Permit and Subdivision Ordinance completeness checklists and the comments of Acting Town Engineer Todd Gammon are attached. No items appear to be incomplete.

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 project will capture existing stormwater flows in Hemlock Hill Rd and more efficiently convey them to the same vegetated discharge area without entering private property, except where the town has obtained a drainage easement and/or purchase of property.

2. Impound surface waters

No impoundment is proposed.

3. Increase surface waters

No increase in surface waters is proposed.

4. Damage to spawning grounds

No spawning grounds have been identified in the drainage areas.

5. Support of structures

The improvements will include catch basins and a riprap discharge area integrated into the stormwater plan.

6. Aquifer recharge/groundwater

No change in amount or location of discharge is proposed.

7. Coastal dunes

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

8. Ecological/aesthetic values

Minimal vegetation removal is proposed to install riprap to slow the velocity of the stormwater and ameliorate erosion potential.

9. Wetland Buffer

No buffer is proposed as the work, by its nature, will be located entirely in the wetland area.

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

No discharge of wastewater is proposed as part of the project scope.

12. Floodplain Management

No floodplains are located in the project area.

Subdivision Review (Sec. 16-3-1)

(a) Pollution

Not applicable to the proposed amendments.

(b) Sufficient Potable Water

Not applicable

(e) Erosion

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

(d) Traffic

Not applicable

(e) Sewage Disposal.

Not applicable

(f) Solid Waste Disposal.

Not applicable

(g) Aesthetic, cultural and natural values

Not applicable

(h) Conformity with local ordinances

The Oakhurst Glen Subdivision Amendment consists of the town purchasing 1.62 acres of lot U33-54B. The remaining portion of the lot, 11,582 sq. ft. will be retained by the Bennetts, who also own the abutting lot (U33-55A). In order to avoid creating a lot that does not comply with the minimum RC District lot size (20,000 sq. ft.) and road frontage (100') requirements, the remaining land should be merged into the Bennett home lot (U33-55A).

(i) Financial and Technical Capability

The applicant has provided a memorandum from the Town Manager asserting adequate financial capacity and a list of professionals with experience in designing stormwater management systems.

(j) Surface Waters

No alteration to a water body is proposed as part of the drainage improvements.

(k) Ground Water

Not applicable

(l) Flood Areas

The subdivision is not located in the floodplain.

(m) Wetlands

Alterations to an RP1 wetland buffer will be minimized to install riprap to slow the velocity and erosive ability of the stormwater which is currently discharged to the wetland.

(n) Stormwater

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

(o) Lake Phosphorus concentration

- Not applicable.
- (p) Impact on adjoining municipality
Not applicable
- (q) Land subject to Liquidation Harvesting
Not applicable
- (r) Access to Direct Sunlight
Not applicable
- (s) Buffering
Not applicable
- (t) Open Space Impact Fee
Not applicable
- (u) Utility Access.
Not applicable. There are existing utilities that the town has identified on submitted plans which will not be disturbed during construction.
- (v) Phasing.
Not applicable

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 the Town of Cape Elizabeth for a Resource Protection Permit and amendments to the Hemlock Hill and Oakhurst Glen Subdivisions to construct drainage improvements at the end of Hemlock Hill Rd be deemed (complete/incomplete).

B. Motion for Approval

Findings of Fact

1. The Town of Cape Elizabeth is requesting a Resource Protection Permit and subdivision amendments to the Hemlock Hill and Oakhurst Glen Subdivisions as part of a drainage improvement project to be constructed at the end of Hemlock Hill Rd, which require review for compliance with Sec. 19-8-3, Resource Protection Regulations and Sec. 16-2-5, Amendments to Previously approved subdivisions.
2. The Planning Board conducted a site visit at 6:00 p.m. on September 3, 2019 at which the applicant's engineer described the proposed improvements.
3. The drainage improvements (will/ will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;
4. The drainage improvements (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;
5. The drainage improvements (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;
6. The drainage improvements (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
7. The drainage improvements (will/ will not) pose problems related to the support of structures;
8. The drainage improvements (will/ will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
9. The drainage improvements (will/ will not) disturb coastal dunes or contiguous back dune areas;
10. The drainage improvements (will/ will not) maintain or improve ecological and aesthetic values;

11. The drainage improvements will alter 1,700 sq. ft. of wetland buffer and otherwise (will/will not) maintain an adequate buffer area between the wetland and adjacent land uses;
12. The drainage improvements (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;
13. The drainage improvements (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
14. The drainage improvements are not located in a floodplain.
15. The subdivision amendments (will/will not) cause soil erosion, based on the erosion control plan provided.
16. The subdivision amendments (will/will not) have an undue adverse impact on scenic or natural areas, historic sites, significant wildlife habitat, rare natural areas, or public access to the shoreline.
17. The applicant (has/has not) demonstrated adequate technical and financial capability to complete the project.
18. The subdivision amendments (will/will not) adversely impact surface water quality.
19. The subdivision amendments (are/are not) in compliance with the Town wetland regulations in the Zoning Ordinance.
20. The subdivision amendments (will/will not) provide for adequate stormwater management.
21. The Oakhurst Glen Subdivision and Hemlock Hill Subdivision have been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Subdivision Ordinance, and the findings and decisions of those approvals which are not altered by the proposed amendments remain in effect.

22. The application substantially complies with 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 materials submitted and the facts presented, the application of the Town of Cape Elizabeth for a Resource Protection Permit and amendments to the Hemlock Hill and Oakhurst Glen Subdivisions to construct drainage improvements at the end of Hemlock Hill Rd be approved subject to the following conditions:

1. That the plans be revised to satisfy the comments of Acting Town Engineer Todd Gammon's letter dated 9-11-2019;
2. That the remaining 11,582 sq. ft. of lot U33-54B not to be purchased by the Town of Cape Elizabeth be merged with lot U33-55A to create a single lot;
3. That there be no alteration of the site until the subdivision plans have been signed by the Planning Board and recorded in the Cumberland County Registry of Deeds.