

OEST Associates, Inc.

- engineers
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- surveyors
- construction managers

343 Gorham Road • South Portland, ME 04106-2317 • TEL (207) 761-1770 • FAX (207) 774-1246
E-mail: mail@oest.com • Web Site: www.oest.com

241.71.13

December 1, 2008

Michael McGovern, Town Manager
Town of Cape Elizabeth
P.O. Box 6260
Cape Elizabeth, Maine 04107

SUBJECT: Proposed Phase 2 Cape Nordic Ski Trail at the Gull Crest Property

Dear Mike:

Introduction

On behalf of the Cape Nordic volunteer group, OEST Associates is pleased to provide you and the Council with an update as to the progress of the group and their future intentions. In keeping with the Council's June 12, 2006 decision, the Nordic group oversaw the design and construction of Phase 1 of the project in 2006 in the northern portion of the Gull Crest parcel. This part of the project is now actively enjoyed by users of the trail throughout the year. With the assistance of the Town's Public Works Department, the Nordic Group has maintained and groomed this trail loop. Phase 1 is approximately 0.78 miles (1.25 km) in length.

Cape Nordic is now actively working on the Phase 2 aspects of the project.

Phase 2

As envisioned in separate declaration by the Council on June 12, 2006, the Nordic Group coordinated with you to enlist the services of OEST to study the elements involved in Phase 2 of the project. OEST has undertaken this preliminary study effort based on a preferred layout provided to us by Cape Nordic.

The initial route for Phase 2 is currently flagged within the parcel, but contains a significant amount of wetland impact. This wetland impact would create substantial permitting implications as well as the potential for significant mitigation for the trail expansion through the mapped wetlands within the Gull Crest parcel. We reviewed the layout system with the Town staff and the Nordic Ski group representatives. We also reviewed the basic design and construction components which we believe would be an extension of the practices utilized in Phase 1. Most importantly, we estimated the potential wetland impact of the new trail with consideration of the previously permitted Gull Crest Trail network impacts through the Town's Planning Board, Maine Department of Environmental Protection (DEP), and the U.S. Army Corps of Engineers.

Using the Nordic Ski Group's preferred grooming width of 12 feet and its preferred layout configuration, we estimated an approximate impact of an additional 19,100 square feet of impact which when coupled with the approximate 10,800 square feet of past impacts totals 29,900 square feet of wetland impact. Given that the Maine DEP and the Army Corps now considers 15,000 square feet of wetland impact to be the threshold for compensation (i.e., mitigation) of wetlands, we have recommended to Cape Nordic that they reconsider their preferred grooming width to a width less than 12 feet and reconfigure the proposed trail alignment to avoid and minimize the wetland impact to a more reasonable level. These efforts would enable us to move forward with the reviewing agencies' permitting process with the approach that the remaining wetland impact is essential to the project's objectives and, given the trail more naturalistic characteristics, that the impact to the wetlands are not adversely significant and permanently altering as the impacts represented in comparison by roadway, parking lot, and building construction projects.

Phase 2A

Cape Nordic is fully committed to reconsidering the Phase 2 project scope to address the permitting considerations. In order to maintain movement for the overall project's funding and to expend funds already received for Phase 2, however, the Nordic Group would like the Council to consider the immediate permitting and construction of Phase 2A. Phase 2A has been proposed as an initial expansion for the existing Nordic trail system. Phase 2A is much shorter than the initial Phase 2 route proposed by Cape Nordic and that the route will not fall within the mapped wetland boundaries so no wetland impacts will be associated with this section of the trail. Phase 2A will add approximately 1.25 km of trail length to the existing Phase 1 trail system (2.68 km). Therefore, the total trail system of Phase 1 and 2A would encompass 3.93 km.

Enclosed are two sketches depicting the various trail segments. SK-1 shows the existing Phase 1 trail along with the proposed Phase 2A route. SK-2 shows Phases 1, 2A, and 2 in relation to the improvements at the Gull Crest and the surrounding off-site features.

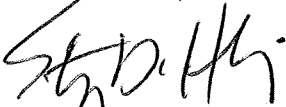
In our conversations with the Town's Code Enforcement Officer and our understanding of the State and Federal permitting regulations, we believe that Phase 2A would require the following permitting steps:

- Town of Cape Elizabeth Planning Board issued Resource Protection Permit as a portion of the trail is within the 250-foot RP-1 buffer.
- Maine DEP Minor Revision permit of the existing Gull Crest parcel Site Location of Development permit.
- U.S Army Corps of Engineers' permitting is not envisioned if the project is constructed entirely in upland areas.

Conclusion

Cape Nordic is pursuing the completion of the Nordic Ski trail system at the Gull Crest. Efforts to fully implement the originally proposed layout of Phase 2 have stalled due to impacts associated to wetlands which will complicate the permitting process. While these complications are being resolved to lessen the various wetland impacts, Cape Nordic would like the Council to consider allowing a shorter section of the Phase 2 project scope, referred to as Phase 2A, to be permitted and constructed. This approach would allow the Cape Nordic group to infuse momentum into the remaining project while expending previously committed funds. Cape Nordic and OEST look forward to discussing these issues in greater detail with the Council at their upcoming December 8th meeting. Should you or the Council require any further information prior to the meeting, please do not hesitate to contact us.

Sincerely,
OEST Associates, Inc.



Stephen D. Harding, P.E.
Town Engineer

SDH:lap
Enclosures

cc: Bob Malley, Public Works Director
Muzzy Barton, Cape Nordic
Harvey Oest, OEST Associates, Inc.
Greg Norton, OEST Associates, Inc.