

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 20, 2020
SUBJECT: 498 Spurwink Ave Resource Protection Permit

Introduction

The Cape Elizabeth Land Trust is requesting a Resource Protection Permit to construct 13 boardwalks and bridges in wetlands, totaling 1,428 sq. ft., on the Pollack Brook Preserve located at 498 Spurwink Ave (U43-8-5). The application was deemed complete and a public hearing has been scheduled for this evening. The application will be reviewed for compliance with Sec. 19-8-3, Resource Protection Regulations.

Procedure

- The Board should begin by having the applicant summarize changes to the plans.
- The Board should then open the public hearing.
- At the close of the public hearing, the board may resume discussion.
- At the close of discussion, the Board has the option to approve, approve with conditions, deny or table 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 applicant has referenced boardwalk designs used by the Conservation Committee. At the September 15, 2020 meeting, the applicant provided supplemental information about the specific construction of bridges. This information demonstrated that structures would be elevated off the ground in a manner that should also the movement of water under the structures. The applicant should provide a detail of what will be built.

2. Impound surface waters

As noted above, surface waters should not be impounded based on the information provided by the applicant.

3. Increase surface waters

A total of 1,428 sq. ft. of impervious surface is proposed to be added in 2 phases of trail improvements. The runoff from the structures will enter the adjacent vegetated areas, so no measurable increase in surface water is expected.

4. Damage to spawning grounds

The proposed improvements should minimize the impact of existing pedestrian traffic on the preserve.

5. Support of structures

The proposed boardwalks and bridges are intended to be elevated off the ground. More detailed design information referenced above should clarify how the structures will be supported.

6. Aquifer recharge / groundwater

No significant aquifer is mapped on the property and proposed improvements should not reduce recharge capacity.

7. Coastal dunes

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

8. Ecological / aesthetic values

The property is proposed to be preserved in its natural state.

9. Wetland Buffer

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

10. Erosion Control

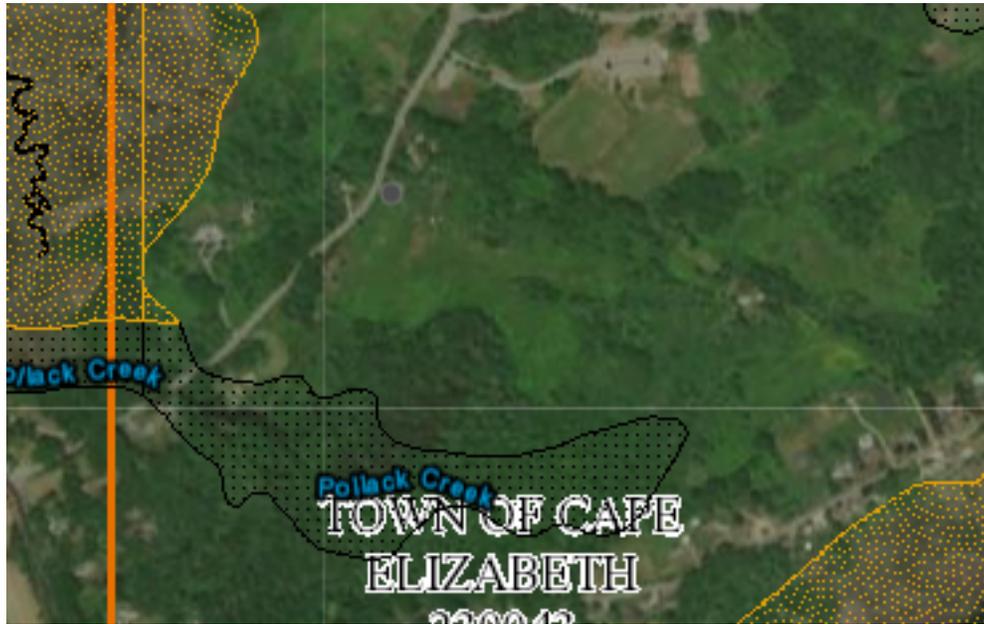
Removal of existing vegetation will be limited to installing footings. The applicant should provide information about erosion control measures to be taken.

11. Wastewater discharge

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

12. Floodplain Management

The project is not located within the "100-year" flood plain, although the tip of the southern end may be located within the "500-year" floodplain. Below is a clip from the pending FEMA maps.



Motion for the Board to Consider

Findings of Fact

1. The Cape Elizabeth Land Trust is requesting a Resource Protection Permit to construct 13 boardwalks and bridges in wetlands, totaling 1,428 sq. ft., on the Pollack Brook Preserve located at 498 Spurwink Ave (U43-8-5), which requires review under Sec. 19-8-3, Resource Protection Permit regulations.
2. The proposed boardwalks and bridges (will/will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;
3. The proposed boardwalks and bridges (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 boardwalks and bridges (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 boardwalks and bridges (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
6. The proposed boardwalks and bridges (will/ will not) pose problems related to the support of structures;
7. The proposed boardwalks and bridges (will/ will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
8. The proposed boardwalks and bridges (will/ will not) disturb coastal dunes or contiguous back dune areas;
9. The proposed boardwalks and bridges (will/ will not) maintain or improve ecological and aesthetic values;
10. The proposed boardwalks and bridges (will/ will not) be constructed and located to maximize wetland buffers and adjacent land uses;
11. The boardwalks and bridges (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 boardwalks and bridges (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 boardwalks and bridges (is/ is not) located in the "100-year" floodplain.
14. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Cape Elizabeth Land Trust for a Resource Protection Permit to construct 13 boardwalks and bridges in wetlands, totaling 1,428 sq. ft., on the Pollack Brook Preserve located at 498 Spurwink Ave (U43-8-5) 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 October 13, 2020;
2. That erosion control measures be added to the application.

3. That there be no alteration of the site not issuance of any local permits until the plans have been revised to address the above conditions and submitted to the town planner for review.