

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 20, 2020
SUBJECT: Rosewood 3rd Subdivision Amendment

Introduction

Joe Frustaci is requesting an amendment to the Rosewood Subdivision to split lot 4B to create a new lot and extend the private road right-of-way for Rosewood Drive to create frontage for the lot. The application was deemed complete and a public hearing has been scheduled for this evening. The plan will be reviewed under Sec. 16-2-5, Amendments to previously approved subdivisions.

Procedure

- The applicant will summarize any changes made to the plans since the last meeting.
- The Board should then open the public hearing.
- Once the public hearing is closed, the Board may begin discussion of the application.
- At the end of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

Subdivision Review (Sec. 16-3-1)

Below is a summary of subdivision standards applicable to the proposed subdivision amendment. The comments of the Town Engineer are attached.

(a) Pollution

No change.

(b) Sufficient Potable Water

The Portland Water District has confirmed that the lot can be served with public water.

(e) Erosion

The applicant has proposed erosion and sedimentation control measures.

(d) Traffic

1. Road congestion and safety. No substantive change to congestion and safety is expected with the addition of a single lot at the end of the private road.
2. Comprehensive Plan. No change.

3. Connectivity. No change.
4. Safety. No change.
5. Through traffic. No change.
6. Topography. Minimal topographic regrading will be done to construct the private road extension.
7. Block Length. Not applicable.
8. Lot Access. Both lot 4B and 4C will have access from Rosewood Drive.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. No change.
11. Road Construction Standards. The applicant is requesting a waiver from centering the private road. The project will include shifting the road surface so that it is closer to the center of the right-of-way. The applicant is also requesting a waiver from a 50' right-of-way to a 45' wide right-of-way. A road maintenance agreement has been submitted by the applicant and reviewed by the town attorney.

(e) Sewage Disposal.

The proposed lot will be served by a subsurface wastewater disposal system.

(f) Solid Waste Disposal.

Solid waste generated during construction will be disposed of by Troiano Disposal. Once constructed, solid waste generated by the home will be disposed of at the town's recycling center.

(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 conducted by the town.
2. Wildlife. No significant wildlife habitats have been identified.
3. Natural features. The proposed lot area is currently a lawn.
4. Farmland. Not applicable

(h) Conformity with local ordinances

1. Comprehensive Plan. No change.
2. Zoning Ordinance. The proposed lot is larger than the minimum 20,000 sq. ft. lot size, with at least 125' of frontage on a private road approved by the Planning Board
3. Multiplex Housing. Not applicable.
4. Addressing Ordinance. The Town Assessor will assign an address in compliance with the Addressing Ordinance.

(i) Financial and Technical Capability

The applicant has provided a memorandum from the Town Manager asserting adequate financial capacity and the applicant has a history of constructing subdivisions in the region.

(j) Surface Waters

No change.

(k) Ground Water

The construction of a new home in what is currently lawn area and served by a subsurface wastewater system approved by the Code Enforcement Officer should not have a substantial impact on groundwater.

(l) Flood Areas

The subdivision is not located in the floodplain.

(m) Wetlands

No wetland alteration is proposed.

(n) Stormwater

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

(o) Lake Phosphorus concentration

No change.

(p) Impact on adjoining municipality

No change.

(q) Land subject to Liquidation Harvesting

No change.

(r) Access to Direct Sunlight

The new lot is located in a lawn area with access to direct sunlight.

(s) Buffering

An evergreen tree buffer planting is proposed along the common 4B/4C property line and the remaining property lines abut permanently protected town open space. The original subdivision boundary lines included the area now preserved as open space.

(t) Open Space Impact Fee

The applicant will be required to pay an open space impact fee of \$6,729 prior to recording of the amended subdivision plan.

(u) Utility Access.

The applicant has provided letters that there will be adequate public water, public sewer, electric and telephone capacity to serve the subdivision.

(v) Phasing.

Not applicable.

Motion for the Board to Consider

Findings of Fact

1. Joe Frustaci is requesting an amendment to the Rosewood Subdivision to split lot 4B to create a new lot 4C and extend the private road right-of-way for Rosewood Drive to create frontage for the lot, which requires review under Sec. 16-2-5, Amendments to previously approved subdivisions.
2. The Rosewood subdivision has been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Subdivision Ordinance, and the findings and decisions of the prior approval which are not altered by the proposed amendments remain in effect.
3. The subdivision amendment (will/will not) have a sufficient quantity and quality of potable water.
4. The subdivision amendment (will/will not) cause soil erosion, based on the erosion control plan provided.

5. The subdivision amendment (will / will not) cause unreasonable road congestion or unsafe vehicular and pedestrian traffic. The private road extension (is / is not) laid out to conform to existing topography as much as is feasible. All lots (are / are not) provided with vehicular access. The road extension (is / is not) designed to meet private road town standards, with the exception of waivers that are granted for an off-center road and a 45' wide right-of-way.
6. The subdivision amendment (will / will not) provide for adequate sewage disposal.
7. The subdivision amendment (will / will not) provide for adequate solid waste disposal.
8. The subdivision amendment (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.
9. The subdivision amendment (is / is not) compatible with applicable provisions of the Comprehensive Plan and town ordinances.
10. The applicant (has / has not) demonstrated adequate technical and financial capability to complete the project.
11. The subdivision amendment (will / will not) adversely impact the quality or quantity of ground water.
12. The subdivision amendment (is / is not) located in a floodplain.
13. The subdivision amendment (does / does not) include wetland alterations.
14. The subdivision amendment (will / will not) provide for adequate stormwater management.
15. The subdivision amendment (does / does not) provide for access to direct sunlight.
16. The subdivision amendment (includes / does not) include a vegetative buffer throughout and around the subdivision and screening as needed.
17. The subdivision (will / will not) comply with the open space impact fee with the payment of \$6,729.00.
18. The subdivision amendment (will / will not) be provided with access to utilities.
19. 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 Joe Frustaci for an amendment to the

Rosewood Subdivision to split lot 4B to create a new lot 4C and extend the private road right-of-way for Rosewood Drive to create frontage for the lot be approved, subject to the following conditions:

1. That the plans be revised to address the recommendations in the Town Engineer's letter dated October 13, 2020;
2. That the applicant pay an open space impact fee of \$6,729.00.
3. That the road maintenance agreement be submitted in a form acceptable to the town attorney and signed and recorded by the applicant;
4. That the plans be revised and submitted to the Town Planner for review and approval, and the conditions satisfied, prior to recording the subdivision plat.