

November 27, 2020

Ms. Maureen O'Meara, Town Planner
Town of Cape Elizabeth
320 Ocean House Road
Cape Elizabeth, ME 04107

RE: Magnolia Terrace

Dear Maureen:

The following correspondence and supporting documentation have been prepared in response to review comments received from Steve Harding, P.E., of Sebago Technics, dated November 11, 2020, and comments received by Maureen O'Meara in her Memorandum, dated November 17, 2020.

We offer the following comments:

A. Steve Harding's Comments:

1. **Project Summary.** No response required.
2. **Completeness Review.** No response required.
3. **Survey Plans.** Sheet 2, Boundary Survey, has been revised as a standalone plan without Mitchell & Associates title block. The note referring to the updated boundary has been removed from the Sebago Technics plan.

There have been two revisions to Sheet 3, Overall Site Plan:

- a. The surveyor's note under the signature line and Note #12, have been revised to certify all interior property lines and Magnolia Terrace.
- b. Note #13 has been added regarding the out-parcel, located in the northeast corner of the property.

4. **Road Alignment.** As mentioned in our application cover letter, the purpose of deviating the road alignment from station 1+50 to the emergency vehicle turnaround, is necessary to maximize the building envelope of Lot 2. Due to setback constraints, including the 40 foot wide road right-of-way, the 30 foot wide front and side yard lot setbacks, the 25 foot wide, RP-2 wetland setback and the 250 foot, RP-1 buffer setback, the proposed road alignment was our only alternative to obtain a usable building envelope.
5. **Stormwater Management Plan.** No response required.
6. **Rain Garden.** Additional design information of the proposed rain garden has been added to the plans, including a plan view of the grading and planting layout. Also, a maintenance inspection form has been provided.
7. **Road Width.** As stated in our application booklet, Magnolia Terrace is proposed as an 18 foot wide private road, consisting of 14 feet of travel way, with two-foot wide gravel/grassed shoulders on either side. The reduction request is based on an attempt to minimize disturbance of the vegetation, as well as maintaining the overall scenic character of the neighborhood.
8. **Additional Waivers.** Waivers for underground enclosed drainage system and the need to install curbing have been noted.
9. **Sideslope Waiver.** No response required.
10. **Traffic Study Waiver.** No response required.
11. **Additional Waivers.** As part of our initial submission, please refer to the Boundary Survey on Sheet 2 for 2-foot contour interval mapping throughout the property, and the Grading & Drainage Plan on Sheet 5 for 1-foot contour interval mapping for the specific area of proposed improvements, including wetlands.
12. **Monumentation.** Mitchell & Associates met with the Public Works Director to review the location and type of road monumentation. Jay Reynolds agreed to the use of iron pins at PC's and PT's versus granite monuments.
13. **Emergency Vehicle Turnaround.** Respectfully, I differ in Steve Harding's assessment of the surface drainage near the turnaround area. As shown on the Grading and Drainage Plan, the spot elevations, proposed contours and drainage arrows all indicate that runoff from the roadway and turnaround area would not be allowed to cross the traveled way. However, the grades have been revised slightly in this area to create a more positive drainage flow from the turnaround.

14. **Typical Road Section.** The Typical Road Section detail on Sheet 7 has been revised to reflect the proposed gravel surface.
15. **Road Subbase and Base Gravel.** The Typical Road Section detail and Road Pavement detail have been revised to reflect 12 inches of subbase gravel and 6 inches of base gravel.
16. **Signs.** Mitchell & Associates met with the Police Chief and Public Works Director with respect to a potential stop sign at the intersection of Magnolia Terrace and Alexander Drive. The consensus is to install a yield sign facing Magnolia Terrace versus a stop sign. The plan has been revised to show a combination road sign and yield sign on the same post. Refer to the Layout Plan and Site Details sheet.
17. **Sight Distance.** The sight distance looking from the intersection in a southwest direction along Alexander Drive has been placed on the Layout Plan.
18. **Stabilized Construction Entrance.** Note #2 on Sheet 5 has been expanded to include the installation of a temporary Stabilized Construction Entrance.
19. **Pre-construction Meeting.** Note #9 on Sheet 5 has been revised to say Code Enforcement Officer rather than Public Works Director.
20. **Easements.** The first three easements referred to under Existing Easements are all mentioned as part of the Warranty Deed. Refer to the Warranty Deed under Section 2.
21. **Residential Sprinkler System.** Contact was made with Adam Sellick of the Portland Water District to confirm the district's ability to provide water supply for a residential sprinkler system. Adam stated that the preliminary approval, received on October 6, 2020, includes a potential sprinkler system.
22. **Construction Cost Estimate.** Attached is a copy of the preliminary cost estimate.
23. **NRPA Permit.** Contact was made with Jennifer McGill of DEP on November 16, 2020. Ms. McGill indicated that a Permit by Rule does not apply to this project since the impact is less than the DEP's 4,300 square foot impact threshold and the impacted area is not a "Wetland of Special Significance".
24. **Army Corps of Engineers.** Mitchell & Associates has filed a General Permit Self-Verification application form and supporting documents with the Army Corps of Engineers for their review. Refer to the attached A.C.O.E. Self-Verification application.

B. Maureen O'Meara's Comments:

1. Requested Waivers. A list of requested waivers is as follows:

a. Submission Requirements

- Traffic Study
- HHE-200 Form
- Stormwater Calculations

b. Road Design Standards

- Road Width
- Side Slopes
- Granite Monuments
- Subsurface Enclosed Drainage System
- Road Curbing
- Paved Turnaround

c. Resource Protection Permit

- High Intensity Soil Mapping

2. Building Footprint. The northerly sideline of Lot 2 has been shifted slightly to allow a little more room for the building envelope. A preliminary building footprint is shown on Sheet 4.

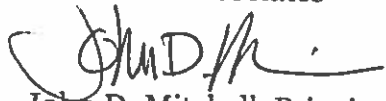
Submission

This submission includes the following information:

1. Response Letter, dated November 27, 2020
2. Stormwater Maintenance Inspection Form
3. Construction Cost Estimate
4. A.C.O.E Self-Verification Form
5. Set of plans

We trust the above responses and accompanying documents have addressed the review comments from Steve Harding. Please do not hesitate to contact me should you require additional information.

Sincerely,
Mitchell & Associates


John D. Mitchell, Principal
Maine Licensed Landscape Architect

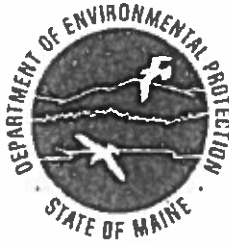
Enclosures

cc: Chris and Billie Cary

**Preliminary Cost Estimate
Magnolia Terrace
November, 2020**

1. Mobilization
2. Erosion Control
3. Cut and remove trees and stumps
4. Install 30 linear feet of 12-inch culvert, including inlet and outlet protection.
5. Remove pavement and box cut 380 feet for new road
6. Gravel subbase and base of private road and turnaround
7. Excavate and backfill for 2-inch water service and 1.5 inch tap
8. Install meter pit
9. Excavate and backfill for underground electric, telephone and cable TV utilities
10. Install rain garden
11. Install 50 linear feet of bituminous pavement

Cost Estimate: \$85,000



LONG-TERM INSPECTION AND MAINTENANCE PLAN OF STORMWATER MANAGEMENT STRUCTURES (BMPS)

Contact: marianne.e.hubert@maine.gov (207)287-4140
BUREAU OF LAND AND WATER QUALITY – DEPLW-1219 – June 2011

The maintenance of your stormwater treatment systems is critical to their performance because without proper maintenance, these structures are likely to fail.

Proper operation and maintenance ensures that the structures remain effective at removing pollutants as originally designed. It will:

- Reduce failure, therefore improve water quality;
- Maintain the volume of stormwater treated in the long term;
- Increase pollutant removal efficiency; and

Operation and Maintenance Plan: The proper operation and maintenance of a stormwater management structure includes frequent inspection and scheduled maintenance activities. Manpower and budget needs to perform the maintenance must be anticipated.

Accessibility: All structures must be easily accessible for inspection and needed equipment. Formal access must be provided and permanent easements must be provided to the entity responsible for maintenance when that entity does not own the property.

Sediment Removal Schedule: All treatment systems are designed to accommodate a minimum of one year's worth of sediment. Sand deposits from winter storm applications should be accounted for when planning the cleaning of a structure.

More specific details on the maintenance needs for most vegetative and stabilization measures may be found in the Maine Erosion and Sediment Control BMPs manual as published in 2003 and found at <http://www.maine.gov/dep/blwq/docstand/escbmps/index.htm>.

The detail description of stormwater management structures or BMPs (best management practices) as published in 2006 and found at: <http://www.maine.gov/dep/blwq/docstand/stormwater/stormwaterbmps/>

**FIVE-YEAR RECERTIFICATION FOR LONG-TERM MAINTENANCE
 OF STORMWATER MANAGEMENT SYSTEMS**
 For Site Location & Stormwater Projects

This form complies with the condition that requires reporting every 5 years on the long-term maintenance of stormwater management structures of projects permitted under the Stormwater Management Law since 2005. Complete the following sections, include appropriate photos if available, and use additional paper if needed. A copy of the report if the inspection was performed by a professional experienced in BMP maintenance should be included. This form is available on the Maine DEP website at: <http://www.maine.gov/dep/blwq/docs/land/stormwater/stormwaterbmpls/>

Please type or print in black ink only			
Owner/Licensee or Homeowners Association Representative:	CHRIS CARY	Inspector/operator or preparer of report:	CHRIS CARY
Company:		Company:	
Mailing Address:	4 ALEXANDER DRIVE CAPE ELIZ, ME 04107	Mailing Address:	(SAME)
Daytime Phone#:	207-887-5346	Daytime Phone#:	(SAME)

LOCATION OF DEVELOPMENT	
Name of Project:	MAGNOLIA TERRACE
Address and Town:	CAPE ELIZABETH
DEP Permit Number:	N.A.

PROJECT SPECIFICS	
If the project is unfinished, please describe its current status and your plans for the future of the development. Filing this report to the Department of on-site long-term maintenance activities is still required.	
If the project is within a MPDES Regulated Town and a maintenance report has been prepared for this project, please attach the existing report.	
If the project is a subdivision with a Homeowner's association, identify the responsible party.	
Confirm that the required recording of deed restrictions for the protection of buffers or conservation land has been done and that the buffers are being maintained in accordance with the restrictions.	
Identify the contractor for the renewed 5-year maintenance contract for the inspection, cleaning and maintenance of manufactured proprietary structures.	
Is a maintenance log available for review?	

LONG-TERM MAINTENANCE (please comment on the following):

All areas of the development have been inspected for erosion, and appropriate steps have been taken to permanently stabilize these areas.

All stormwater control structures have been inspected for damage, wear, malfunction, and appropriate steps have been taken to repair or replace the failing systems

The erosion control and stormwater maintenance plan for the site is being implemented as written, and a maintenance log has been created and is being maintained.

CERTIFICATIONS/SIGNATURES

By signing below, the owner (or authorized agent) certifies that all stormwater management structures at the project described above are stable and operational as designed.

Signed: _____ Title _____ Date: _____

This completed form and all supporting documents summarized above shall be sent to the following address. An emailed report is appropriate and should be sent to marianne.hubert@maine.gov

Marianne Hubert
Bureau of Land and Water Quality
17 State House Station
Augusta, ME 04333
Tel: (207) 287-3901

November 13, 2020

**RE: Army Corps of Engineers General Permit Self-Verification Application
for Construction of a Private Roadway ("Magnolia Terrace") at 4
Alexander Drive, Cape Elizabeth**

To Whom It May Concern,

We have attached our SV application form and supporting documents for your review. The supporting documents consist of a Project-Specific Official Species List (generated by Julia Frederick, jfrederick@mitchellassociates.biz) and a plan set. The proposed project is located at 4 Alexander Drive in Cape Elizabeth, ME. This project proposes to create a Private Roadway by re-aligning an existing drive to accommodate the building envelope of a proposed residential lot and to provide a fire-access turnaround.

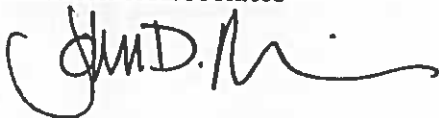
The project site is in a wooded area containing pockets of RP-2 wetlands. The total proposed area of disturbance is approximately 20,100 square feet, an area which contains approximately 4,540 square feet of existing roadway. The project would require tree clearing in an area approximately 9,860 square feet in size, which includes impacting 3,550 square feet of RP-2 wetland. In the attached plan set, Sheet 6 contains a Wetland Impact Plan highlighting this area.

The wetland to be impacted is a low-value wetland mostly populated with ferns and exhibiting very little tree growth. It is the property owner's opinion that this wetland, adjacent to the existing roadway, was caused by the driveway construction in 1998. As evidence of this, this wetland area is absent from a 1998 wetland delineation plan created prior to the driveway construction (see Sebago Technics Plan on Sheet 2 in the plan set).

If permitting is approved, project construction would take place as soon as approvals are granted, anticipated to be in December 2020.

Sincerely,

Mitchell & Associates



John D. Mitchell, Principal
Maine Licensed Landscape Architect



Section VI: Self-Verification Notification Form
(for all tidal and non-tidal projects in Maine subject to Corps jurisdiction)

**US Army Corps
of Engineers**®
New England District

At least two weeks before work commences, complete all fields (write "none" if applicable) below or use the fillable form found at www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/ The two-week lead time is not required for emergency situations. **Send this form, an Official Species List, and project plans to the following email address: cenac-r-me@usace.army.mil**

Maine Project Office
U.S. Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

State Permit #: _____
Date of State Permit: _____
State Project Manager: _____

Permittee: Christopher Cary

Address, City, State, Zip: 4 Alexander Drive, Cape Elizabeth ME 04107

Email, Phone: chris.l.cary@gmail.com, 207-807-5346

Agent: John D. Mitchell, Mitchell & Associates Landscape Architects

Address, City, State, Zip: 70 Center St., Portland ME

Email, Phone: jmitchell@mitchellassociates.biz, 207-831-2091

Contractor: L.P. Murray & Sons

Address, City, State, Zip: 1230 Shore Rd., Cape Elizabeth ME 04107

Email, Phone: skip@lpmurray.com, 207-799-4216

Project Name: Magnolia Terrace Private Roadway

Address, City, State, Zip: 4 Alexander Drive, Cape Elizabeth ME 04107

Lat °N, Long °W: 43Degrees36'41.88"N, 70Degrees15'17.31"W Tax Map/Lot: R04-1/44c

Waterway Name: _____

Description of Work: This project proposes to create a Private Roadway by re-aligning an existing drive to accommodate the building envelope of a proposed residential lot and to provide a fire-access.

Proposed Starting Date: December 2020 Proposed Finish Date: December 2020

Area of wetland impact (SF): Permanent: 3,550 Temporary: _____
Area of waterway impact (SF): Permanent: _____ Temporary: _____

Work will be done under the following Section V General Permits (circle all that apply):

- I. Inland Waters and wetlands: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
II. Navigable Waters: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

Have MHPC and all five federally-recognized tribes in Maine been notified of the proposed work? Yes No

Your signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions for Self-Verification under the Maine General Permit.

Permittee Signature: JOHN D. MITCHELL

Digitally signed by JOHN D. MITCHELL
Date: 2020.11.13 11:06:22 -0500

Date: November 13, 2020