

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: April 21, 2020
SUBJECT: Edgecomb Way Private Rd Extension, RP Permit

Introduction

Jay Cox is requesting review to extend the Edgecomb Way Private Road (located in the area of 75 Ocean House Rd) and a Resource Protection Permit to alter 3,988 sq. ft. of RP2 wetland to provide access to potential future lots. The Planning Board has previously approved a combined Edgecomb Way Private Rd/Private Accessway. The application will be reviewed for compliance with Sec. 19-7-9, Private Roads, and Sec. 19-8-3, Resource Protection Permit. The Town Engineer's comments are attached.

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)

(a) Pollution

The road construction proposed is not expected to generate undue water pollution. The construction is not located in a floodplain and future development will be connected to the public sewer system. The slope of the land has been incorporated into the applicant's stormwater management plan and no direct discharge to a stream is proposed. Applicable state and local health and water resource regulations are addressed in more detail below.

(b) Sufficient Potable Water

The road extension design includes 4 public water line extensions for existing and potential lot development. The Town Engineer has confirmed that this is the design preferred by the Portland Water District.

(e) Erosion

The plan includes an erosion control plan including placement of silt fencing, loam and seeding of disturbed areas.

(d) Traffic

1. Road congestion and safety. Edgecomb Way connects to Ocean House Rd, the only designated arterial in town, and has substantial capacity to absorb the small amount of trips anticipated.
2. Comprehensive Plan. This proposal is to extend an existing road connection to Ocean House Rd. The Comprehensive Plan supports access management best practices, where new lot access is provided on feeder roads to preserve the capacity of the major roads like Route 77 (Ocean House Rd).
3. Connectivity. The proposed road extends an existing approved private road.
4. Safety. The very low volumes anticipated on the proposed road are not expected to create a safety hazard.
5. Through traffic. Edgecomb Way is a dead end.
6. Topography. Edgecomb Way is proposed within an existing 35' wide right-of-way, so there is minimal opportunity to shift the road location. Nonetheless, the right-of-way extends down a moderate slope, so cuts and fills are not part of the design.
7. Block Length. Not applicable.
8. Lot Access. Edgecomb Way will provide access to a previously approved lot 1, as well as potential future lots located on both sides of the private road.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. The road name has previously been approved by the Police Chief.

11. Road Construction Standards. The road design includes some waivers from the local road standards. A waiver from the 50' wide right-of-way is requested with an existing 35' wide right-of-way proposed. Full depth construction with an 18" deep gravel base to a width of 22' is consistent with town standards. Traveled way surface has been modified from 22' wide to 18' wide with 2' wide gravel shoulders. The road grade will also be super elevated to sheet drainage to the south side.

(e) Sewage Disposal.

The road will be constructed with a public sewer line for lots to connect to, and design of the line connections will be coordinated with the Public Works Department. Potential lots are not identified at this time, and the Planning Board may want to consider a requirement that lots with frontage on Edgecomb Way must connect to the public sewer system.

(f) Solid Waste Disposal.

Not applicable to the road construction. New lots will convey solid waste to the town operated recycling center or engage a private hauler.

(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. Areas within wetland areas will be preserved, except for the portion where the road construction will be located.
4. Farmland. No farmland is included in this application.

(h) Conformity with local ordinances

1. Comprehensive Plan. No portion of the application appears in direct conflict with the Comprehensive Plan.
2. Zoning Ordinance. No new lots are proposed as part of this application.
3. Multiplex Housing. Not applicable.

4. Addressing Ordinance. The Police Chief has approved the proposed road name.

(i) Financial and Technical Capability

The Town Manager has provided a letter recommending that the applicant has sufficient financial capacity.

(j) Surface Waters

No portion of the project is located in the Shoreland Performance Overlay District.

(k) Ground Water

The development is not proposed within a significant aquifer recharge area.

(l) Flood Areas

The subdivision is not located in the floodplain.

(m) Wetlands

The applicant will be altering 3,988 sq. ft of RP2 wetland to construct a private road to access upland building sites. A Resource Protection Permit has been requested as part of the application.

(n) Stormwater

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

The stormwater flow will slightly increase post-development, and the applicant has submitted a stormwater management plan that documents adequate downstream capacity to handle the increase. The project will also need to put in place a private stormwater facilities maintenance plan, which has been submitted and is under review.

(o) Lake Phosphorus concentration

The proposed construction is not within the watershed of a great pond.

(p) Impact on adjoining municipality

Not applicable.

(q) Land subject to Liquidation Harvesting

Not applicable.

(r) Access to Direct Sunlight

No new lot is proposed as part of this application.

(s) Buffering

The application is limited to construction of a private road within an existing 35' wide private road right-of-way.

(t) Open Space Impact Fee

Not applicable.

(u) Utility Access

The applicant has depicted connections to public water, underground electrical, cable television, and telephone utilities, which are shown on Drawing L-4.

(v) Phasing

Not applicable.

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

Edgecomb Way will cross an existing RP2 wetland. In order to maintain water flow and allow for wildlife movement, a 36" culvert is proposed. The Town Engineer has concurred that the culvert is oversized to allow water flow.

2. Impound surface waters

The 36" culvert is sized to not impound any water on the site.

3. Increase surface waters

The applicant has submitted a stormwater management plan that shows a small increase in flows post-development from the site. An analysis of the stormwater flow to the town culvert located under Spurwink Ave shows there is adequate capacity to handle the slight stormwater increase.

4. Damage to spawning grounds

No spawning grounds have been identified on the project site, however, the applicant has sized the proposed culvert to allow for wildlife movement within the wetland.

5. Support of structures

A private road will be built to cross the RP2 wetland. The road design meets the minimum road construction standards, including minimum build up of gravel depth and width.

6. Aquifer recharge/groundwater

There is no significant aquifer located on the project site.

7. Coastal dunes

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

8. Ecological/aesthetic values

The road construction will include a 36" culvert that will allow for wildlife movement within the wetland that will be spanned.

9. Wetland Buffer

No buffer is proposed as the project is limited to a private road located within an existing 35' wide private right-of-way.

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.

Motion for the Board to Consider

Findings of Fact

1. Jay Cox is proposing to extend the Edgecomb Way Private Road (located in the area of 75 Ocean House Rd) and a Resource Protection Permit to alter 3,988 sq. ft. of RP2 wetland which requires review for compliance with Sec. 19-7-9, Private Roads, and Sec. 19-8-3, Resource Protection Permit
2. The road extension (will/will not) result in undue water pollution. The road extension (is/is not) located in the 100-year floodplain. Soils (will/will not) support the proposed uses. The slope of the land, proximity to streams, and state and local water resource rules and regulations (will/will not) be compromised by the project.
3. The potential lots gaining access from Edgecomb Way (will/will not) have a sufficient quantity and quality of potable water.
4. The road extension (will/will not) cause soil erosion, based on the erosion control plan provided.
5. The road extension (will/will not) cause unreasonable road congestion or unsafe vehicular and pedestrian traffic. The road extension (provides/does not provide) for road network connectivity while discouraging through traffic. The road extension (is/is not) laid out to conform to existing topography as much as is

feasible. Potential lots (are/are not) provided with vehicular access. The road extension (is/is not) designed to meet town standards, with waivers granted for a road right-of-way reduction from 50' to 35', and road traveled surface reduction from 22' to 18' plus 2' grassed shoulders.

6. The road extension (will/ will not) provide for adequate sewage disposal by installing a public sewer line connection available for potential lots.
7. The road extension (will/will not) result in solid waste disposal after construction.
8. The road extension (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 road extension (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 road extension is not located in the Shoreland Performance Overlay District and (will/will not) adversely impact surface water quality.
12. The road extension (will/will not) adversely impact the quality or quantity of ground water.
13. The road extension (is/is not) located in the 100-year floodplain.
14. The road extension (is/is not) in compliance with the Town wetland regulations in the Zoning Ordinance, subject to issuance of a Resource Protection Permit.
15. The road extension (will/will not) provide for adequate stormwater management.
16. The road extension is not located in the watershed of Great Pond.
17. The road extension (is/is not) located in more than one municipality.
18. The road extension is not located on land where liquidation harvesting was conducted.
19. The road extension (will/will not) provide potential lots with access to utilities.

20. The proposed road extension (will/will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;
21. The proposed road extension (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;
22. The proposed road extension (will/will not) substantially 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;
23. The proposed road extension (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
24. The proposed road extension (will/will not) pose problems related to the support of structures;
25. The proposed road extension (will/will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
26. The proposed road extension is not located in coastal dunes or contiguous back dune areas;
27. The proposed road extension (will/will not) maintain or improve ecological and aesthetic values;
28. The road extension (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;
29. The road extension (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
30. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1 and 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 Jay Cox to extend the Edgcomb Way Private Road (located in the area of 75 Ocean House Rd) and a Resource

Protection Permit to alter 3,988 sq. ft. of RP2 wetland be approved, subject to the following conditions:

1. That the plans be revised to address the recommendations in the Town Engineer's letter dated March 9, 2020;
2. That the Army Corps of Engineers permit be obtained before any construction on the site occurs;
3. That all potential lots with frontage on Edgecomb Way be connected to the public sewer system; and
4. That there be no alteration of the site until the plans and materials have been revised to address the above conditions and submitted to the town planner, and the plan has been signed by the Planning Board and recorded in the Cumberland County Registry of Deeds.