**MEMORANDUM**

TO: Cape Elizabeth Planning Board

 FROM: Maureen O'Meara, Town Planner

 DATE: May 18, 2021

 SUBJECT: Carr Woods Major Subdivision and Resource Protection Permit

Introduction

Andrew Carr is requesting Major Subdivision Review to construct 19 condominiums and a single family home lot and a Resource Protection Permit to alter 11,798 sq. ft of RP2 wetland on lots located at Shore Rd and 10 Deep Brook Drive (U6-91, 91A, 92, 94A, 95). The application will be reviewed under Sec. 16-2-4 Major Subdivision Preliminary Review and Sec. 19-8-3, Resource Protection Permit.

Procedure

•The Board should begin by having the applicant introduce the project.

•The Board should allow public comment on completeness.

•The Board should then make a finding of completeness. If the application is deemed incomplete, board members should identify the information needed to make the application complete and no substantive review of the application should occur. If the application is deemed complete, review may begin.

•If the application is deemed complete, the Board should decide if a site walk and/or public hearing will be scheduled.

•At the end of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

Summary of Completeness

The completeness checklists, the comments of the Town Engineer, and the Public Works Director are attached. Below is a summary of possible incomplete items:

Major Subdivision Review (Sec. 16-2-4)

B1. The subdivision design includes connections to existing utility infrastructure in the area Deep Brook Drive, a private road that has not been subject to a town review. Questions have been raised about connections to existing utility lines located on private property not included within the project boundaries and if the project has legal rights to add to that infrastructure.

5. An ability to serve letter from the Portland Water District has not been submitted. In the past, the Planning Board has been willing to wait for the Public Water District letter if the applicant can demonstrate that a request is pending.

6. See Town Engineer's letter for missing information from the Erosion Control plan.

8. A letter confirming capacity to accept sanitary waste flows has not been submitted. In the past, the Planning Board has been willing to wait for the letter if the applicant can demonstrate that a request is pending.

12. Information on the technical capability of the applicant to *construct* the project has not been submitted. Information on the financial capability of the applicant is pending with the Town Manager.

17. See Town Engineer's letter for information missing from the stormwater management plan.

19. The landscaping plan shows plantings in 2:1 slopes on ledge and does not explain how this will be accomplished.

20. The open space plan depicts areas included in the calculation to provide a minimum of 45% open space that are less than 50' in width and therefore not eligible to be included within the 45%.

21. Ability to serve letters from utilities are not provided. In the past, the Planning Board has been willing to wait for a utility letter if the applicant can demonstrate that a request is pending.

24. A community impact analysis has not been provided.

Resource Protection Permit (Sec. 19-8-3)

2. The applicant has submitted 2' contours and will likely request a waiver from submitting 1' contours in wetland areas.

6. The applicant has submitted medium intensity soils information and will likely request a waiver from submitting a high intensity soil survey.

12. The wetland report submitted identifies 5 wetlands on the development site and 2 that will be impacted. The proposed development design includes alterations to *all* wetlands on the site. The submission should provide an explanation and supporting data of how the current project design has minimized wetland alterations, especially when an earlier design of the project required less wetland alteration.

Motions for the Board to Consider

**A. Motion for Completeness**

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Andrew Carr for Major Subdivision Review of Carr Woods, a 19 unit condominium project and 1 single family home lot, and a Resource Protection Permit for 11,789 sq. ft. of RP2 Wetland alteration, located at Shore Rd and 10 Deep Brook Drive, be deemed (complete/incomplete).

**B. Motion to Table (with public hearing scheduled)**

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Andrew Carr for Major Subdivision Review of Carr Woods, a 19 unit condominium project and 1 single family home lot, and a Resource Protection Permit for 11,789 sq. ft. of RP2 Wetland alteration, located at Shore Rd and 10 Deep Brook Drive, be tabled to the regular June 15, 2021 meeting of the Planning Board, at which time a public hearing will be held.

**Major Subdivision Review (Sec. 16-2-4)**

**Appendix B**

**Major Subdivision/Preliminary Review Completeness**

Project: Carr Woods 19 unit condominium and Date: May 18, 2021

 1 single family lot

Location: Shore Rd and Deep Brook Drive

Applicant: Andrew Carr

\_\_Y\_\_ A. Plans, scale, digital copy upon request

\_\_P\_\_ B1. Right, Title or Interest

\_\_Y\_\_ 2. Name of subdivision, name and address of record owner, abutters, date, north arrow, graphic map scale

\_\_Y\_\_ 3. Survey, lots, building envelope, existing easements, location map

\_\_Y\_\_ 4. Topography, surface drainage patterns, soils, air emissions

\_\_P\_\_ 5. Water supply, water lines, hydrant

\_\_P\_\_ 6. Erosion control plan

\_\_Y\_\_ 7. Traffic study, road locations

\_\_P\_\_ 8. Sewage disposal, public facilities or HHE-200 form

\_\_Y\_\_ 9. Solid Waste disposal

\_\_Y\_\_ 10. Scenic, unique natural, farmland, historic, significant wildlife habitat locations

\_\_Y\_\_ 11. Local regulations

\_\_N\_\_ 12. Financial and Technical Capability

\_\_Y\_\_ 13. Surface water, shoreland zoning, water quality

\_\_Y\_\_ 14. Ground water

\_\_Y\_\_ 15. Floodplain

\_\_Y\_\_ 16. Wetland boundaries

\_\_P\_\_ 17. Stormwater plan/phosphorus loading at Great Pond

\_\_Y\_\_ 18. Liquidation Harvesting

\_\_P\_\_ 19. Landscaping: existing, preservation, proposed

\_\_P\_\_ 20. Open space: preservation, impact fee, easements

\_\_P\_\_ 21. Utilities

\_\_Y\_\_ 22. Phasing

\_N/A 23. Related Information

\_\_N\_\_ 24. Community Impact Analysis

Y Yes, complete

N No, not complete

P Partially complete

N/A Not applicable

PROJECT: Carr Woods DATE: May 18, 2021

 Shore Road and Deep Brook Drive

APPLICANT: Andrew Carr

**RESOURCE PROTECTION PERMIT**

**APPLICATION COMPLETENESS CHECKLIST**

**(Section 19-8-3(2)(c) of the Zoning Ordinance)**

\_Y\_ 1. Detailed Site Plan;

\_W\_ 2. Topographic map showing the location and slope of all existing grades and all proposed grades upon completion of the proposed alteration (1-foot contour intervals/2-foot contour intervals);

\_Y\_ 3. Written description of the entire parcel and the location of the wetland;

\_Y\_ 4. Names and property locations of all abutting property owners;

\_Y\_ 5. Written description and a map of the vegetative cover and the wetland upland edge of the site prepared by a botanist or wetland specialist;

\_W\_ 6. Written description and a high intensity soils map of the site’s underlying soils, the location of hydric soils, and the wetland upland edge prepared by a certified soils scientist;

\_N/A\_ 7. Map indicating the wetland upland edge based on hydrology, if needed;

\_Y\_ 8. Location and flow direction of all existing watercourses, ponds and standing water;

\_Y\_ 9. Stormwater runoff plan prepared by a professional engineer;

\_Y\_ 10. Delineation of the portion of the lot that is buildable and the proposed footprints of the buildings and structures;

\_Y\_ 11. Information on the exact sites and specifications for all proposed draining, filling, grading, dredging, and vegetation removal;

\_P\_ 12. Statement about the purpose of the project and why the proposed activity cannot be located at other sites;

N/A 13. Mitigation measures, if any; and

N/A 14. Any additional information required by the Town Planner.

\_P\_ Evidence of right, title and interest in the property to be reviewed.