

TOWN OF CAPE ELIZABETH
Planning Board Application

Application for Planning Board review shall be submitted to the Town Planner.
Applicants should contact the Town Planner prior to submitting an application to confirm the submission requirements.

Applicant:

Name Town of Cape Elizabeth, Maine Telephone 207-799-1619
Address 320 Ocean House Rd, P.O. Box 6260, Cape Elizabeth, Maine 04107

Agent or Contact Person to whom correspondence should be addressed:

Name Same Telephone _____
Address _____
Email Matthew.sturgis@capeelizabeth.org

Name of Project: Town Farm Trail boardwalks Map/Lot R5-11, R5-13

Location: Five boardwalks are proposed on the Town Farm Trail, which is located on the Town Farm municipal open space and extends across a town easement to the Pollack Brook Bridge, all located west of Spurwink Ave.

Type of Review (Per Code Enforcement Officer)

_____ Major Subdivision Review, Sec. 16-2-4, Subdivision Ordinance

_____ Minor Subdivision Review, Sec. 16-2-3, Subdivision Ordinance

_____ Site Plan Review, Sec. 19-9, Zoning Ordinance

_____ Private Access Waiver, Sec. 19-7-9, Zoning Ordinance

_____ Earth Materials Permit, Sec. 19-8-5, Zoning Ordinance

X Resource Protection Permit, Sec. 19-8-3, Zoning Ordinance

_____ Other: _____

Fees Paid: N/A

I attest that I have right, title or interest in the property to be reviewed. I have received a copy of the application regulations listed above and attest that I have read them and prepared my application in accordance with town requirements.

Matthew Sturgis

Signature of Applicant

4-27-2021

Date



TOWN OF CAPE ELIZABETH

P.O. BOX 6260
320 OCEAN HOUSE ROAD
CAPE ELIZABETH, MAINE 04107-0060

MATTHEW E. STURGIS

Town Manager

April 27, 2021

P: 207-799-1619

E-Mail: matthew.sturgis@capeelizabeth.org

Website: www.capeelizabeth.com

James Huebener, Planning Board Chair
Town of Cape Elizabeth, Maine
320 Ocean House Rd
P.O. Box 6260
Cape Elizabeth, Maine 04107

Re: Resource Protection Permit for Town Farm Trail boardwalks

Dear Chair Huebener:

The Town of Cape Elizabeth, represented by the Conservation Committee, is requesting a Resource Protection Permit to alter up to 1,100 sq. ft. of wetland by constructing 5 boardwalk segments along the existing Town Farm Trail.

The Conservation Committee contracted with FB Environmental to perform a town-wide trail assessment to identify needed capital improvements during the summer, 2020. The highest priority for improvement is the Town Farm Trail, located adjacent to the Spurwink Marsh on the Town Farm on Spurwink Ave. The town is seeking state and local permitting (federal permitting is not required) to install not to exceed 410 linear feet of 30" wide boardwalk elevated on 4" x 4" x 4' posts spaced 4' apart. Most of the submission materials are from the FB Environmental Assessment and assume all boardwalks are located in RP1 and RP2 wetlands. The boardwalks cannot be located outside of the wetland areas because the purpose of the project is to improve conditions on the existing greenbelt trails.

The following information has been submitted in support of the Resource Protection Permit application:

1. Plans. Plans included in the FB Environmental study have been provided that depict the location of the existing trail, the locations of proposed boardwalks, wetland mapping and 20' contours. An additional plan depicts 2' contours and the names of abutters. The Town requests a waiver from submitting 1' contours within the wetland areas as 2' contours should be adequate for the proposed boardwalk construction.
2. Written description. From the FB Environmental DEP permit submission:

The location of the proposed project is comprised of two abutting land parcels in Cape Elizabeth, Maine. These include a parcel known as Tax Map R5 Lot 11 and a parcel known as Tax Map R5 Lot 13. The parcels are located on the north-west side of Spurwink Ave, north of state route 77 (see Attachment 2). The project will consist of five boardwalks which will be constructed along the Town Farm Trail which traverses these parcels. These parcels (Tax Map R5 Lot 11 and 13) have been conveyed to the Applicant through written easements (see Attachment 1) and area a part of the Town's Greenbelt Trail Network.

The five proposed boardwalks are located at Town Farm Trail **1-47, 1-48, 1-49, 1-50, and 1-51**, as shown in Attachment 5.

Existing Conditions

The project is located to the north-west of Spurwink Ave and north of state route 77, and is accessed via the pre-existing trail system. The project area includes forested wetlands. Adjacent to the project area is a stream, Pollack Creek, and the Spurwink River. Spurwink Marsh lies to the northwest, a tidal marsh system.

The five areas of trail identified as requiring boardwalks have been heavily impacted by foot traffic and or are sensitive to erosion, vegetation loss, or wetland impact. At the time of inventory in summer 2020, these areas were generally muddy areas where the trail was expanding due to erosion and foot traffic avoiding wet areas.

Impact Analysis

Project infrastructure to be constructed includes five boardwalks along the Town Farm Trail. The boardwalk surface at each site will be laid upon supportive sleepers, timbers that hold the boardwalk above the land surface. Project impact is calculated in Table 1 by boardwalk footprint and sleeper footprint by site and for the total project. Total project impact is 1011 sq. ft. The areas to be impacted by the proposed boardwalks are currently denuded of vegetation by the walking trail. The proposed footprints of the boardwalks in all cases are less than the current areas of bare soil. Impacts of foot traffic will be contained to a 30" corridor of hardened surface.

Table 1. Calculated project impact at each site.

Site ID	Proposed Boardwalk Length (ft)	Proposed Boardwalk Width (ft)	Proposed Boardwalk Footprint (Sq. ft.)	Sleeper Footprint (Sq. Ft.)
Town Farm Trail 1-47	72	2.5	180	35
Town Farm Trail 1-48	68.4	2.5	171	35
Town Farm Trail 1-49	144	2.5	360	68
Town Farm Trail 1-50	110.4	2.5	276	53
Town Farm Trail 1-51	9.6	2.5	24	7
Total Boardwalk Footprint (Sq. ft)			1011	
Total Sleeper Footprint (Sq. ft.)			198	

3. Names and property locations of abutters.

Name	Address	Map & Lot
United States of America	320 Ocean House Road	R05-33-A
Jordan, Penelope A, Jordan Carol Anne, Jordan, William H, Butterfield, Pam	21 Wells Road	R05-31
Barrett, Austin	11 Wainwright Drive	U52-3
Cloutier, Mark	13 Wainwright Drive	U52-2
Pierce, Karen	15 Wainwright Drive	U52-1
Portland Water District	445 Spurwink Avenue	R05-11-A
Town of Cape Elizabeth	320 Ocean House Road	U11-17
Cape Elizabeth Land Trust	330 Ocean House Road	R02-4-5
Dunham, Majorie	495 Spurwink Avenue	R05-13-A
Martson, Dawn & Franklin	4 Mildred Street, So Portland, 04106	R06-4
Ahlson, Harold	522 Spurwink Avenue	U43-05
505 Spurwink LLC	505 Spurwink Avenue	R05-13
Ketelaar, Irene	490 Spurwink Avenue	R05-12
Lippman, Eric	528 Spurwink Avenue	U43-6

4. Wetland boundaries. Wetland boundaries have been provided by FB Environmental as described below.

WETLAND DELINEATION

Based on current State and U.S. Army Corps of Engineers (USACE) policy for identifying jurisdictional wetlands, wetland delineations were performed following the protocols described in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0, January, 2012 (U.S. Army Corps of Engineers, 2012). Hydric soils were identified by applying criteria described in the USDA Field Indicators of Hydric Soils in the United

States: A Guide for Identifying and Delineating Hydric Soils, Version 8.2, 2018 (USDA, 2018).

The Routine Onsite Determination Method was used for this project. This methodology involves identifying wetlands based on three criteria: the presence of hydrophytic vegetation, hydric soils, and hydrology. For a given area to be considered a wetland, all three of these parameters must be met, with some exceptions allowed for disturbed areas.

Hydrophytic vegetation is defined as the community of macrophytes occurring in areas where inundation or soil saturation is either permanent or of sufficient frequency and duration to influence plant species composition (USACE, 2012). An indicator status is assigned to each plant species; this indicator status is then used to calculate the overall dominance of wetland plants in each stratum at each sample point.

A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during growing season to develop anaerobic conditions in the upper part (USDA Soil Conservation Service, 1994). Examples of hydric soil indicators include a histic epipedon or the presence of a dark A or Ap soil horizon underlain by a high value, low chroma (light gray) colored soil horizon with redoximorphic features (e.g., iron and manganese concentrations or depletions).

The term "wetland hydrology" encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season. Typical indicators of wetland hydrology include inundated soils, soils saturated to the surface, drainage patterns, water marks, and morphological adaptations such as buttressed trunks, shallow root systems, or multiple stemmed trees.

All wetlands and watercourses were classified using the U.S. Fish and Wildlife Service (USFWS) Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al., 1979). This water resource classification system is commonly referred to as "Cowardin Classification" (Appendix A). The Cowardin Classification is used to define wetlands and other aquatic resources by their landscape position, cover type, and hydrologic regime. Special modifiers can be added that describe water regime/chemistry, soil types, or disturbances.

Streams

The Maine Natural Resources Protection Act definition of river, stream, or brook was used for identification and delineation:

"River, stream or brook" means a channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5- minute series topographic map or, if that is not available, a 15-minute series topographic map.

B. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.

C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited, or scoured by water.

D. The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.

E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining stormwater or a grassy swale.

Wetland Delineation Practices per MEDEP Permitting Requirements

In order to fulfill the Maine Department of Environmental Protection (MEDEP) wetland permitting requirements for Tier I Natural Resource Protection Act (NRPA) projects, FBE conducted wetland delineations within a 100-foot radius of all sites identified as highly impacted. Per MEDEP Tier I requirements, new wetland delineations were not conducted on sites that are already within wetland as reflected on an NWI map; however, presence of wetland was confirmed by FBE staff. Additionally, all necessary permitting maps were prepared for these sites. In some instances, the site was only partially within NWI wetlands. For this scenario, FBE delineated the wetlands to ensure that a 100-foot radius surrounding the site was accounted for.

Per the MEDEP NRPA documentation (page 20), the following wetland documents are required (MEDEP, 2019).

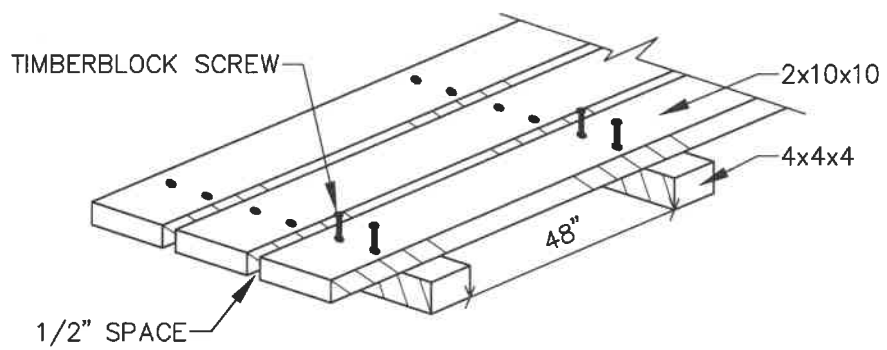
- "The appropriate United States Geological Survey Map (U.S.G.S. topography map, 7 1/2 minute if available) or the Maine Atlas and Gazetteer with the activity location clearly marked and labeled on the map. A photocopy of the applicable portion of the topography map is sufficient provided it is clear and readable."
- "A description of the project and a top view drawing showing the area of freshwater wetland to be filled or otherwise altered; areas of any marsh or open water within the freshwater wetland being altered; and surface water bodies within 75 feet of the proposed alteration. All drawings must be drawn to scale and labeled with the applicant's name, the scale used and the

date prepared. Please note that the Corps requires all drawings to be submitted on 8 1/2" x 11" paper which are clear, legible and reproducible."

- "Color photos showing the wetland in the activity area. Label each photo with the applicant's name, town where the activity is located, and the date taken."

5. Stormwater. The applicant requests a waiver from providing a stormwater runoff plan prepared by a professional engineer due to the small amount of additional impervious surface. Attached pictures show the existing muddy conditions. Boardwalk installation should allow revegetation of the area, reverse any potential erosion, and improve stormwater quality.
6. Building footprints. No building is proposed so this is not applicable to our project.
7. Specifications. Attached is a detail showing the proposed boardwalk. Boardwalk will consist of 3 10" wide boards placed adjacent and lengthwise for a total of 30" wide. The boardwalk will be elevated from the ground with 4" x 4" x 4' sleeper posts placed 4' apart.

No vegetation will be removed during construction. Once boardwalks are installed, it has been the town's experience that adjacent areas quickly revegetate. for this reason, no proactive erosion measures will be needed.



WOODEN BOARDWALK
NOT TO SCALE

The Conservation Committee is hoping to begin boardwalk construction after July 1, 2021, subject to issuance of permitting.

Thank you for consideration of this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew E. Sturgis". The signature is written in a cursive, flowing style.

Matthew Sturgis, Town Manager

ATTACHMENT 5: PHOTOS



Representative photos of Site 1-47.



Representative photos of Site 1-48.



Representative photos of Site 1-49.



Representative photos of Site 1-50.



Representative photo of Site 1-51.



LOCUS MAP



Project
Location

- Boardwalk Sites
- Trail

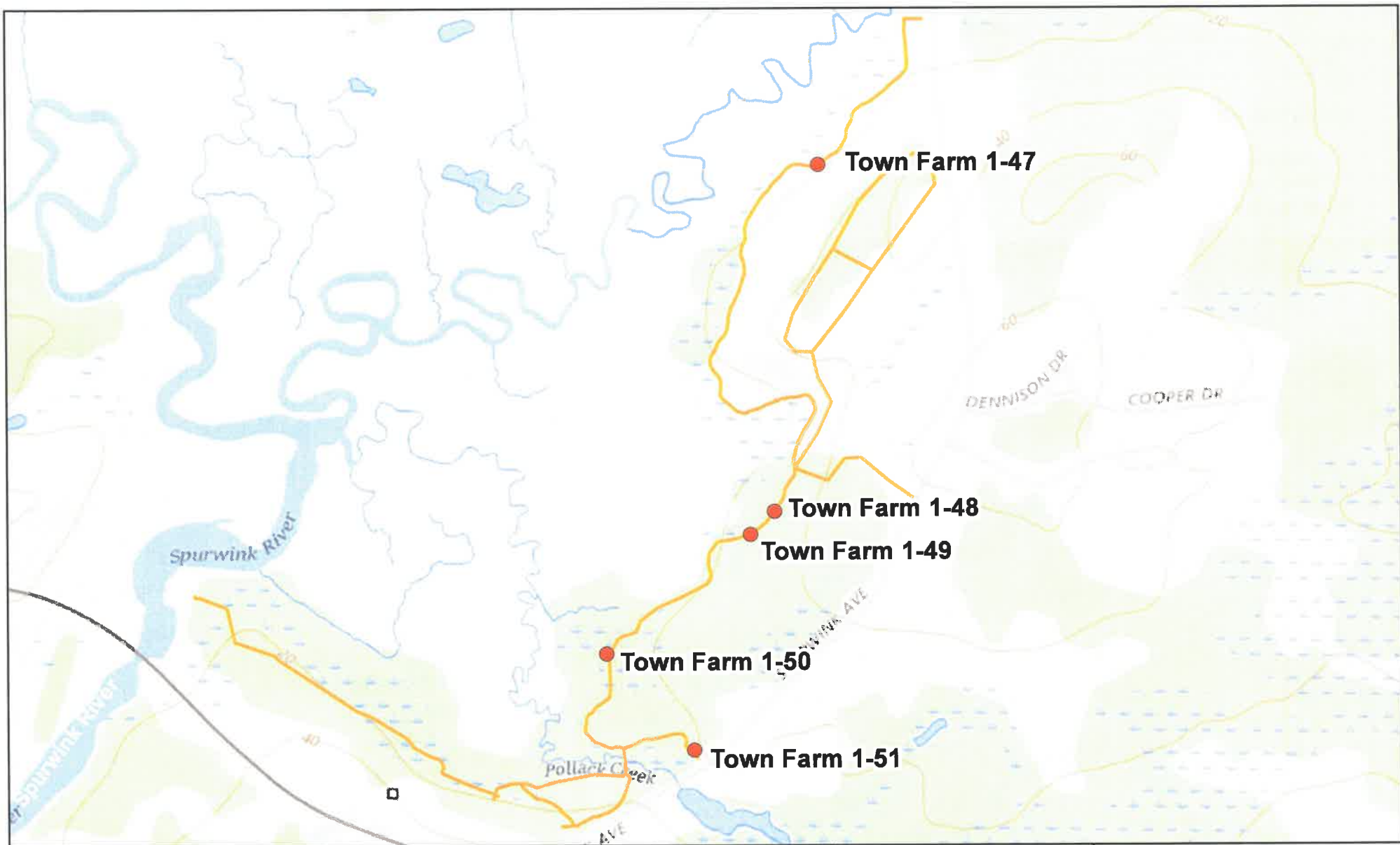


0 250 500
Feet

**Town of Cape Elizabeth
Town Farm Trail
Aerial Imagery**

Cape Elizabeth, Maine

Data Sources: Maine Geolibrary, ESRI
Coordinate System: NAD 1983 UTM Zone 19
Map created by FBE in March, 2021



LOCUS MAP



Project Location

- Boardwalk Sites
- Trail

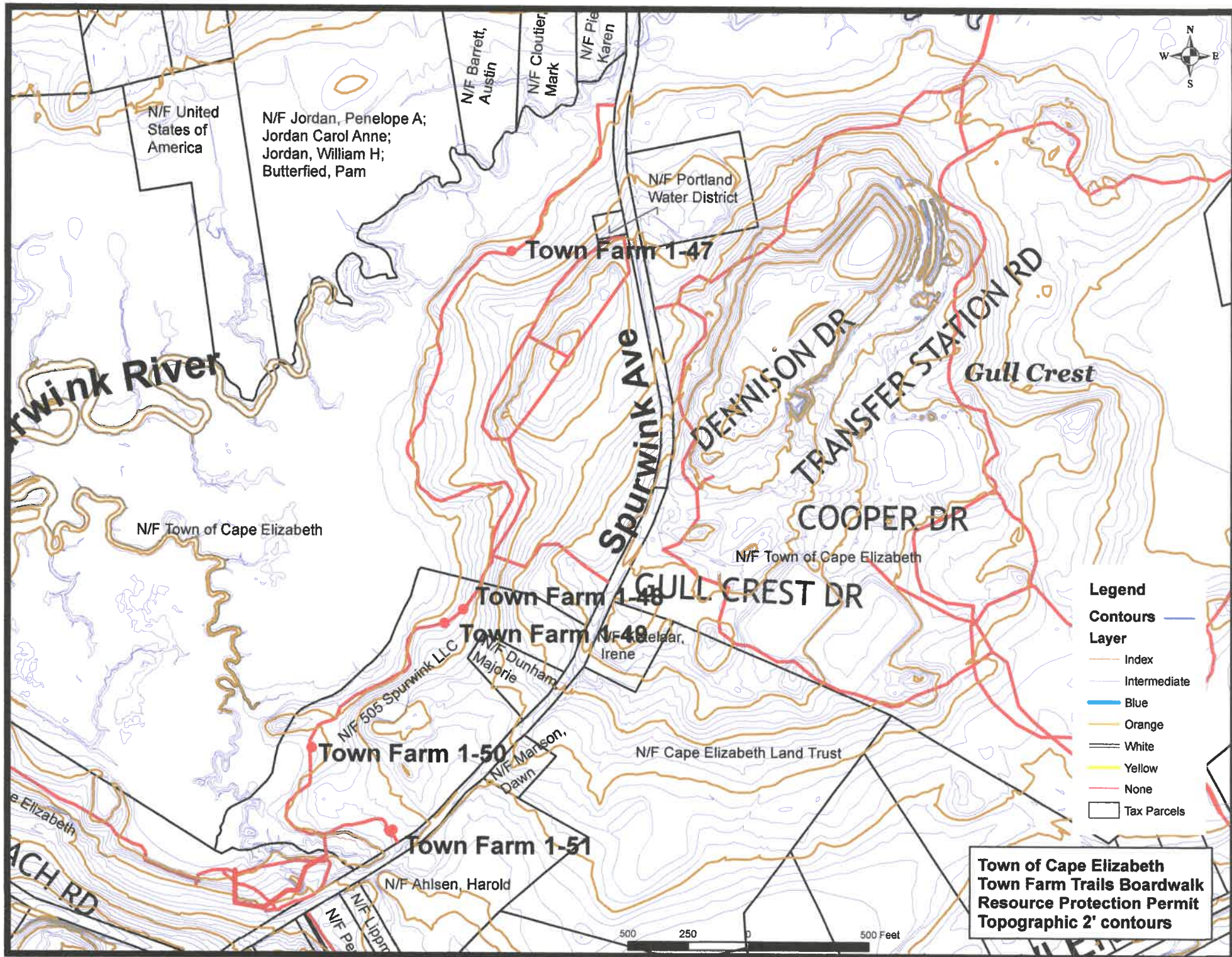


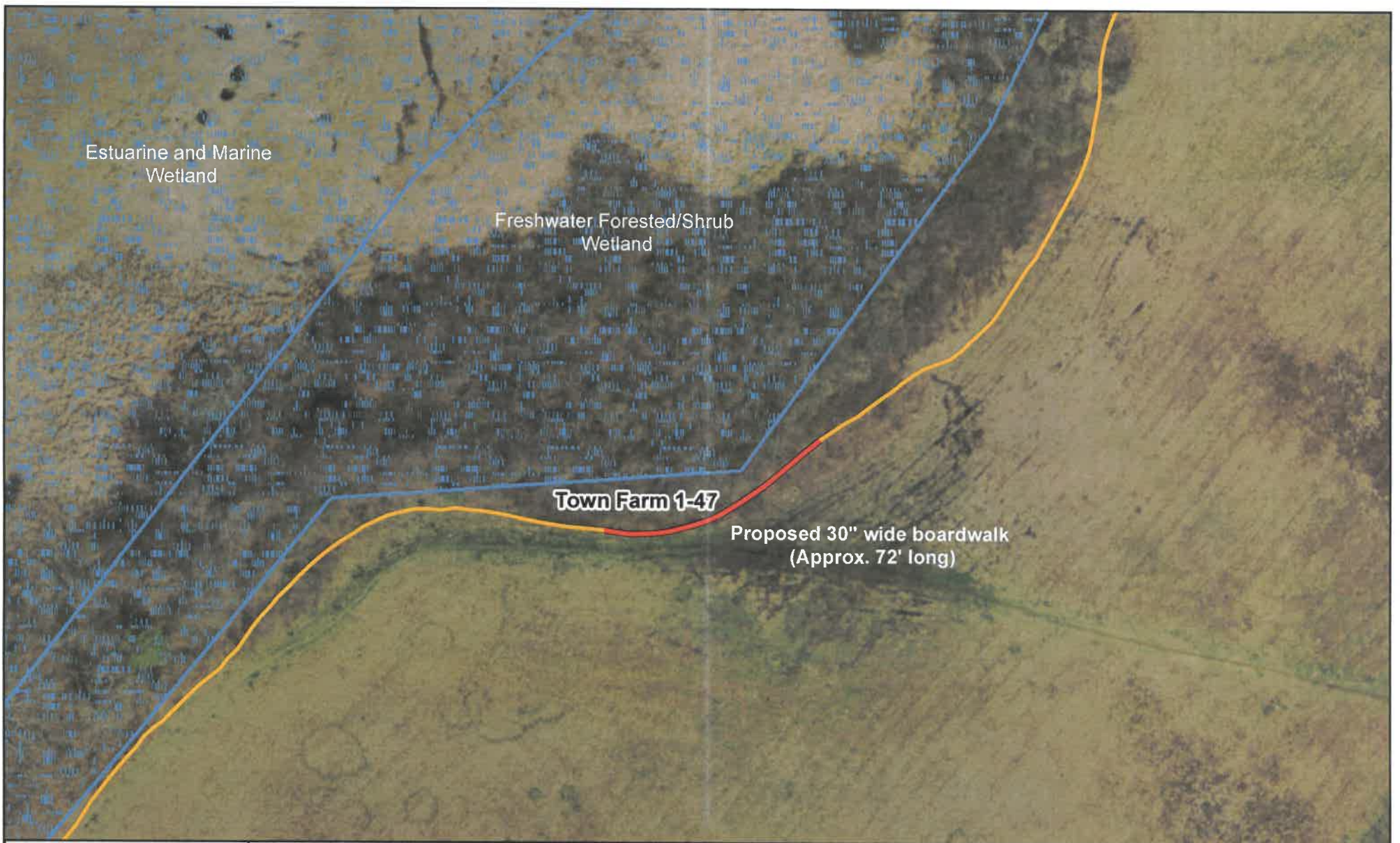
0 250 500 Feet

Town of Cape Elizabeth Town Farm Trail Topographic Map

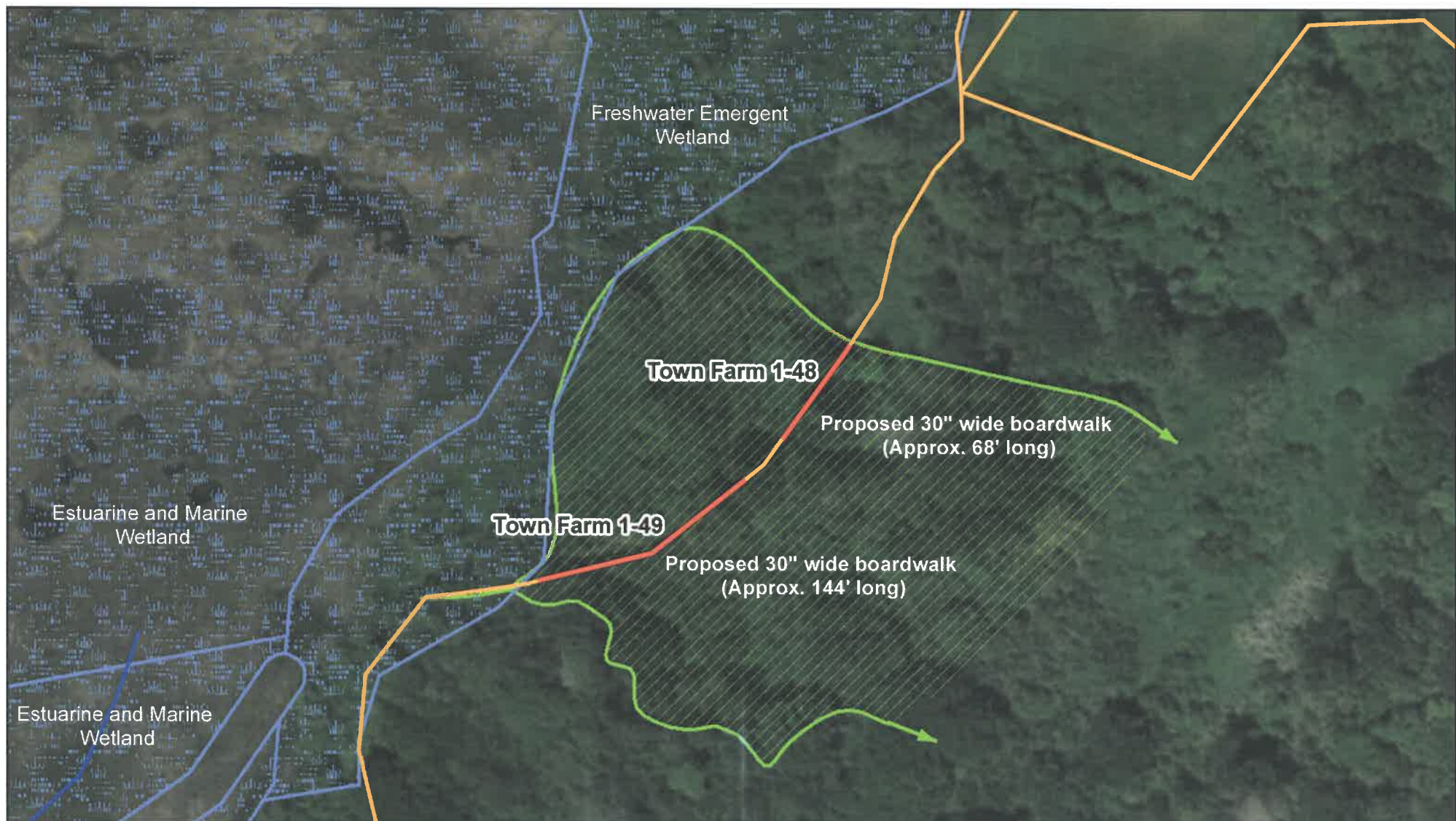
Cape Elizabeth, Maine

Data Sources: Maine Geolibrary, ESRI
Coordinate System: NAD 1983 UTM Zone 19
Map created by FBE in March, 2021

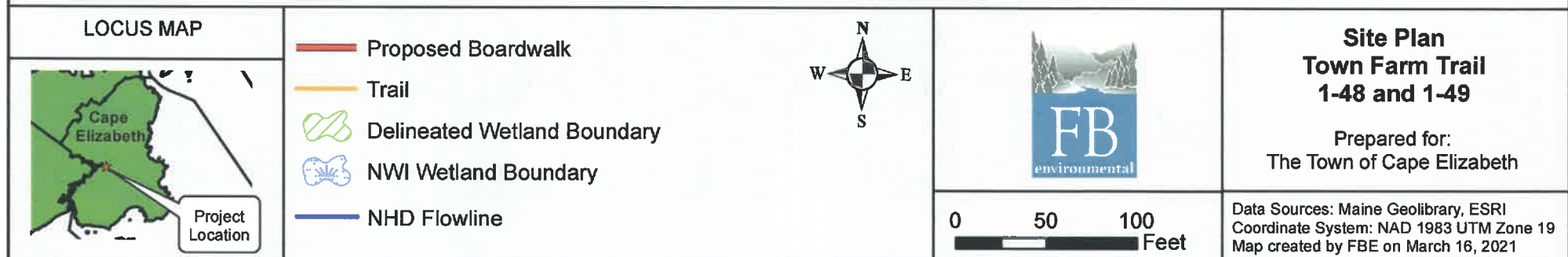


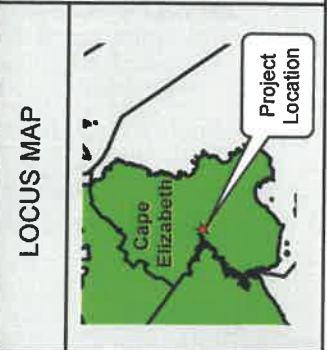


<p>LOCUS MAP</p>	<ul style="list-style-type: none"> — Proposed Boardwalk — Trail NWI Wetland Boundary <div style="text-align: center;"> </div>	<div style="text-align: center;"> </div> <div style="text-align: center;"> </div>	<p style="text-align: center;">Site Plan Town Farm Trail 1-47</p> <p style="text-align: center;">Prepared for: The Town of Cape Elizabeth</p> <p style="font-size: small;">Data Sources: Maine Geolibrary, ESRI Coordinate System: NAD 1983 UTM Zone 19 Map created by FBE on March 16, 2021</p>
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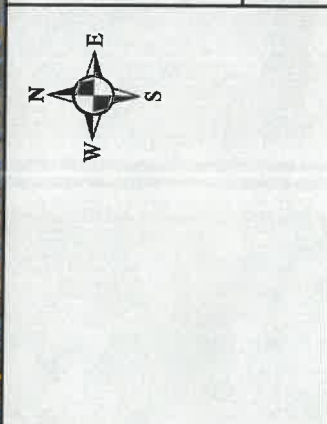


Note: FBE delineated wetlands stop at 100 ft radius from sites and where they intersect NWI wetlands.





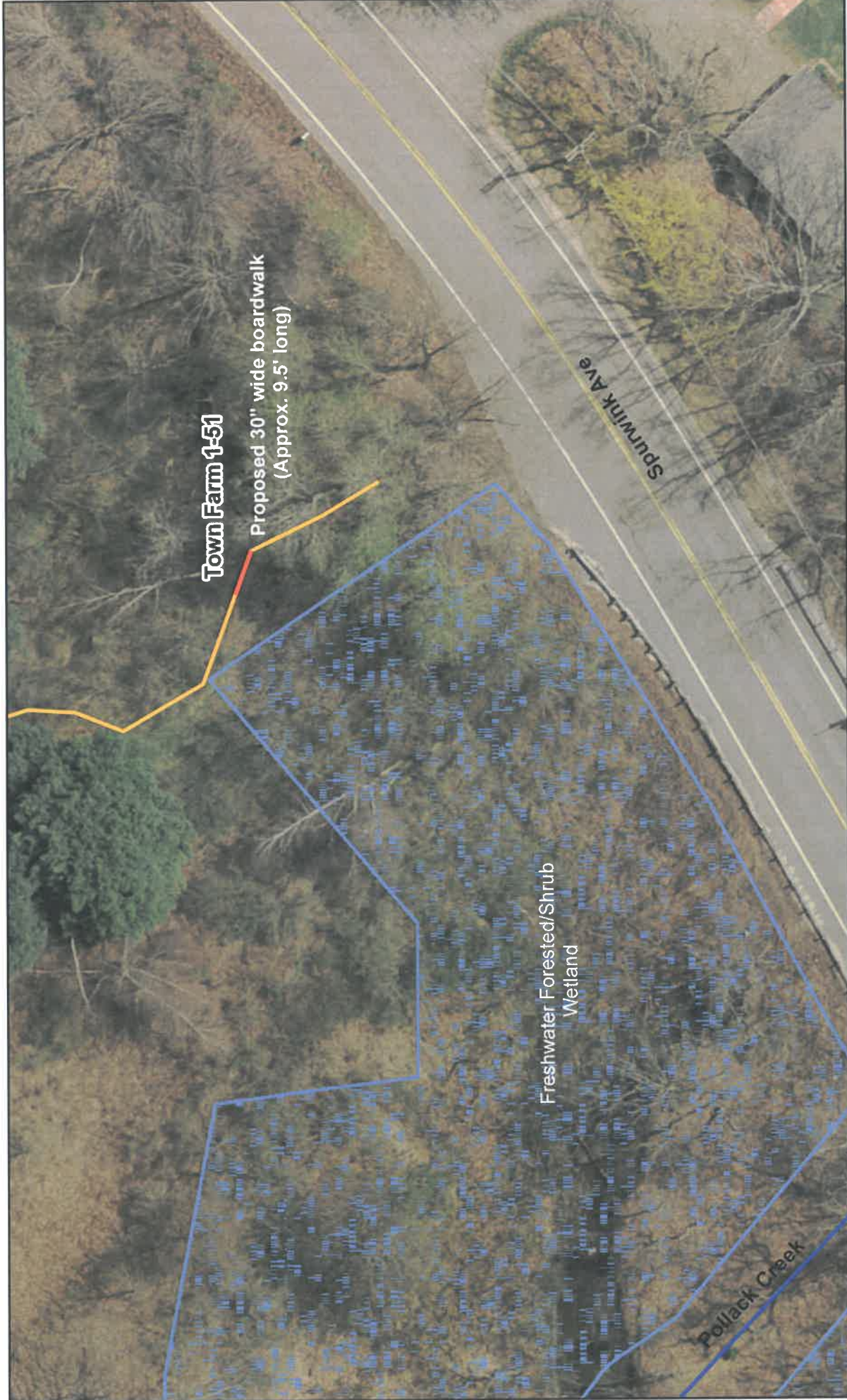
- Proposed Boardwalk
- Trail
- NWI Wetland Boundary
- NHD Flowline

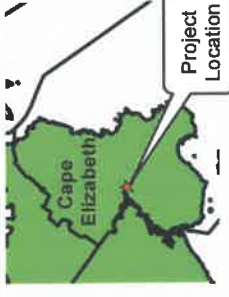




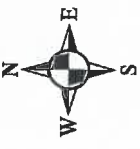



Site Plan
Town Farm Trail
1-50

Prepared for:
 The Town of Cape Elizabeth

Data Sources: Maine Geolibrary, ESRI
 Coordinate System: NAD 1983 UTM Zone 19
 Map created by FBE on March 16, 2021



<p>LOCUS MAP</p> 	<p>  Proposed Boardwalk  Trail  NWI Wetland Boundary  NHD Flowline </p>	<p>  </p>	<p>  </p>	<p> Site Plan Town Farm Trail 1-51 Prepared for: The Town of Cape Elizabeth </p>	<p> Data Sources: Maine Geolibrary, ESRI Coordinate System: NAD 1983 UTM Zone 19 Map created by FBE on March 16, 2021 </p>
<p> 0 20 40 Feet </p> 