

July 30, 2021

Maureen O’Meara, Cape Elizabeth Town Planner
Cape Elizabeth Planning Board
320 Ocean House Road
Cape Elizabeth, ME 04107

RE: Subdivision Amendment Application for Lot 1-5 in Sprague Family Land Use Plan (R08-001-005)

Dear Cape Elizabeth Planning Board,

We are very pleased to submit the enclosed application for the proposed Subdivision Amendment to the 1999 Sprague Land Use Plan. This subdivision amendment is limited to the adjustment of the building envelope on Lot 1-5.

The proposed amendment to the lot 1-5 building envelope has been revised to exclude wetlands, based on the feedback received from Planning Board and Staff at the July 20, 2021 Planning Board Workshop.

We are requesting an expedited review of this subdivision amendment application at the August Planning Board Meeting.

This submission package includes:

- Application Form
- Project description and request for submission waivers
- The 1999 approved subdivision (11x17 plan)
- The proposed amendment to Lot 1-5 (24x36 plan)
- Application Fee

If you have any questions or would like additional materials, please do not hesitate to contact me.

Sincerely,



Jessica Kimball
Maine Licensed Landscape Architect
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PROJECT DESCRIPTION

Existing Subdivision

The subdivision plan for the Sprague Family Land Use Plan (amendment to the June 21, 1983 approved Sprague Corporation subdivision) was approved by the Cape Elizabeth Planning Board on March 1999. TJD&A Landscape Architects and BH2M Engineers were included in this planning board review. The existing approved plan was based on a thorough and extensive review and approval process.

Lot 1-5 (R08-001-005)

Lot 1-5 was identified as a single lot in that 1999 subdivision plan. This lot is a vacant 17.6-acre parcel located on Lower River Road on the mouth of Spurwink River. It is located in the RA zone and partially located within the Shoreland Zone (250-feet from shoreline).

There are three individual building envelopes identified on the 1999 subdivision plan.

- A building envelope for a Boat Repair Facility. This building envelope was based on 150ft setbacks from the lot lines per *Sec. 18-8-9* of the Cape Elizabeth Zoning Ordinance.
- Two building envelopes for two potential house sites on the lot. Both residential building envelopes are 30ft from the lot lines.

Note: A “building envelope” refers to the area within a lot where the main and accessory buildings shall be located. Activities outside the building envelope are limited to the installation of driveways, utilities, landscaping, and improvements not classified as buildings.

Proposed Subdivision Amendment

The application presented for your review shows a single building envelope on Lot 1-5. This building envelope aligns with the RA and Shoreland Zone space and bulk requirements.

Proposed Lot 1-5 Building Envelope Setbacks:

- Property line setbacks: 30 feet (measured from property line)
- Wetland RP2 Setback: 10 feet (measured from wetland boundary)
- Shoreland Zone Setback: 75 feet (measured from Elevation 9.6ft)

Proposed House (not included in subdivision amendment review)

The reason for this amendment is to allow for the development of a single-family residence at a location that is not allowable by the 1999 subdivision building envelope configuration. The proposed home is an existing structure that will be relocated from a separate parcel of land. This home will be placed within the existing Boatyard Repair Facility building envelope and will have a driveway connecting to the end of Lower River Road. The permitting for this home will be done through the building permit process with the Code Enforcement Officer following Planning Board approval.

Future proposed development on lot 1-5 would be limited to the proposed building envelope, meet *SEC. 19-7-11. Multiple Principal Buildings on a Lot*, and meet all other requirements of the Cape Elizabeth Zoning Ordinance.

WAIVER REQUESTS

The Subdivision Amendment application is required to meet the Minor Subdivision Submission Requirements (Appendix A of the Subdivision Ordinance). Because this proposed amendment is limited to the building envelope of a single lot, we request the following waivers for submission requirements:

SUBMISSION REQUIREMENT	REASON FOR WAIVER REQUEST
1. Right, Title or Interest. Evidence of right, title or interest in the site of the proposed subdivision.	Ownership (by The Sprague Corporation) is unchanged since 1999 Subdivision Approval.
4. Water Pollution evaluation. b. Surface drainage. Surface drainage patterns including drainage channels and watershed areas; the slope of the land and its effect on effluents; the availability and condition of streams used for disposal of effluents; an evaluation of applicable state and local health and water resource rules and regulations.	No change in development related to water pollution or surface drainage. CEO may review at time of building permit.
c. Soils. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in 37 accordance with the USDA Soil Conservation Service National Cooperative Soil Classification;	Included in 1999 Subdivision Plan. No change in development related to soils. CEO may review at time of building permit.
d. Air. Description of any air emissions not normally included in residential construction and use activities.	No proposed change in air emissions.
5. Potable Water. Confirmation of a clean and adequate supply of water to serve the subdivision; the location and size of any existing and proposed water mains on the property and adjacent water lines that will provide water supply for the property to be subdivided, as well as details showing connections to water systems; nearest hydrant; Where public water is not to be provided, an alternative means of a clean and adequate water supply shall be shown.	No proposed change in water supply. Site will be serviced by well water and may need to meet quality standards based on CEO review.
6. Erosion. A soil erosion and sediment control plan prepared and certified by a professional geologist or professional engineer.	No proposed changes in development and erosion control.
7. Traffic. Locations, widths and names of existing, filed or proposed roads, cross-sections of the proposed grading for roadways, sidewalks, etc. including width, type of pavement, elevations and grades, preliminary designs of any bridges or culverts which may be required, designed to comply with the Road Design and Construction Standards, Sec. 16-3-2; a traffic study evaluating the capacity of adjacent roads to safely accommodate the anticipated traffic generated by the proposed subdivision, including an assessment of the likelihood of cut-through traffic, efforts to provide for road connectivity, and applicability of the Maine Department of Transportation regulations.	No proposed changes to roadways or traffic volume.
8. Sewage Disposal. All on site public or shared sewage facilities; a completed HHE 200 form or other subsurface wastewater design for every lot not served by public sewer; all designs, specifications and details for a clustered private or public sewer system.	No proposed changes in sewage disposal. Site will be serviced by septic and will be reviewed by CEO at time of development.
9. Solid Waste Disposal. Demonstration of adequate capacity for disposal of construction and solid waste to be generated by the subdivision.	No solid waste will be generated by subdivision amendment.
10. Aesthetic, cultural and natural information. Location of scenic, unique natural, farmland, parkland, historic, and significant wildlife habitat areas located on or adjacent to the proposed subdivision, as well as supporting documentation.	No proposed change in development that would impact scenic or natural features differently from original subdivision.
12. Financial and Technical Capability. Statement of Technical and Financial Capability, including a list of the applicant's development consultants, a	

description of all prior development projects, and a letter of firm financial commitment from a bank or other source of financing. In the case where the applicant asserts that public disclosure of 38	The proposed amendment does not require any financial capacity to complete improvements.
13. Surface Waters. Location of any portion of the subdivision in the Shoreland Zone; identification of the normal highwater line; assessment of how water quality will be impacted by anticipated discharge from the subdivision.	Contours and HAT line identified on subdivision plan. No proposed change to surface water impacts.
14. Ground Water. An assessment of how the proposed subdivision will impact groundwater resources.	No proposed change to ground water impacts.
15. Floodplain. Location of any portion of the subdivision in the floodplain; assessment of how construction in the floodplain will comply with the Town of Cape Elizabeth Construction Code, Chapter 6, Floodplain Ordinance.	No change in subdivision related to flood zones. Building envelope located outside flood zone (due to shoreline zone setback).
17. Stormwater/Phosphorus. A surface drainage plan or stormwater management plan, with profiles and cross sections drawn by a professional engineer, registered in the State of Maine, showing preliminary design of all facilities and conveyances necessary to meet the stormwater management standards as set forth in this ordinance. Where the subdivision includes or abuts Great Pond, an assessment of phosphorus loading amounts and impacts on Great Pond.	No proposed change to stormwater/phosphorus.
18. Liquidation Harvesting. Identification of any portion of the subdivision where timber has been harvested in violation of Title 12, section 8869, subsection 14.	No timber harvesting proposed in amendment.
19. Landscaping. An inventory of existing vegetation to be preserved; methods of preserving vegetation to be used during construction; a landscaping plan including planting locations, plant types, quantities and size and time of planting; fencing location, type and material and size.	No changes to landscaping in proposed amendment.
20. Open Space. Designation on the plan of land to be permanently protected as open space; calculation of open space provided to meet the Open Space Impact Fee (Sec. 16-3-1(t)); location of easements; fee interest or easement deeds of open space to be conveyed to the Town or otherwise conserved;	No change to open space within subdivision.
21. Utilities. Evidence of the capacity to provide electrical and telephone facilities.	No change to utility connectivity in proposed amendment.
22. Phasing. A phasing plan showing the boundaries and name of each phase.	No phasing of subdivision development included in proposed amendment.
23. Related information. Any other data as determined by the Planning Board to ascertain compliance with this Ordinance.	No data identified.