

Zoning Summary:

Zone: Residence C (RC) District
Resource Protection 2 (RP2) District

Lot Size: 14.3 Acres

Existing use: Single Family Homes/Vacant land

Owner: Andrew Carr
Debra Carr
Ena Hanson

Proposed Use: Condo Development

Tax Map/Lots: U06/91, 91A, 92, 94A and 95

Sec. 16-1-1. Purpose.

This Ordinance is designed to promote the health, safety, convenience and general welfare of the Inhabitants of the Town of Cape Elizabeth by encouraging and ensuring sound planning, the use of the environment under healthful conditions, the imaginative and orderly use of land, compliance with the goals and objectives of the Comprehensive Plan, and development that fits harmoniously into the existing natural environment and rural character.

Following each applicable subdivision standard, we have explained (in bold) how the proposed Carr Woods Condominium Development meets that criteria.

Sec. 16-3-1. Subdivision Review Standards.

A subdivision shall meet all of the following standards of review, as determined by the Planning Board.

(a) Pollution The proposed subdivision will not result in undue water pollution. Factors to consider include:

1. The elevation of the land above sea level and its relation to the floodplains.
The property is not within the flood plain and has a consistent grade that allows water to flow off the property.
2. The nature of soils and subsoils and their ability to adequately support waste disposal.
No private underground waste disposal is proposed with this development.
3. The slope of the land and its effect on effluents.
The property has a consistent grade that allows water to flow off the property, no effluent is proposed to be diverted to underground disposal on the property.
4. The availability of streams for disposal of effluents.
No effluent is proposed to be diverted to underground disposal on the property.
5. The applicable state and local health and water resource rules and regulations.
The development will connect to the public water and sewer infrastructure.

- (b) Sufficient Potable Water The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. If a public water supply will be used, the proposed subdivision will not cause an unreasonable burden on the existing public water supply. **Potable water will be supplied by the Portland Water District. An ability to serve letter has been submitted to the Town.**
- (c) Erosion The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. **The project will be designed to ensure proper measures are taken to mitigate erosion from affecting any downstream properties. The plan set outlines the measures being taken to control erosion and a Department of Environmental Protection (DEP) permit will also be issued that addresses erosion and sedimentation control measures.**
- (d) Traffic
1. Road congestion and safety. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed, and if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, M.R.S.A. Section 745, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, M.R.S.A Section 704 and any rules adopted under that section. **The peak hour trip calculation for this development shows that there will be no increased safety concerns on adjacent streets due to this development. The traffic report attached to this submission summarizes the traffic condition in a post development condition.**
 2. Comprehensive Plan. The proposed subdivision road(s) shall conform to the Comprehensive Plan as adopted in whole or in part by the Town Council. **The proposed development satisfies several objectives of the Comprehensive Plan including affordable housing, preservation of open space, and development within the growth areas of Town.**
 3. Connectivity. The Planning Board may require provision for the projection of roads or for access to adjoining property, whether subdivided or not. The Planning Board shall require that access from the subdivision to previously existing or proposed public ways include two means of such vehicular access, as described in Sec. 16-3- 2(5) of this Ordinance. **Noted. There doesn't seem to be an avenue available to provide interconnectivity between this development and the neighboring roads.**
 4. Safety. All roads within a subdivision and roads providing access to a subdivision shall be designed so that they will provide safe vehicular and pedestrian travel and traffic patterns. **The proposed private road and condominium access driveway are designed to meet the standards of the subdivision ordinance and will provide safe access to all residents in and out of the development.**

5. Through traffic. The Planning Board may require that local roads be laid out so that their use by through traffic will be discouraged.
Not applicable, the road will be a dead-end.
6. Topography. Roads in the proposed subdivision shall be laid out in an attractive manner, in order to enhance the livability and amenity of the subdivision. Insofar as possible, roads shall conform to existing topography, and high cuts and fills shall be avoided.
The proposed road will have a consistent slope that mimics the existing ground and will be laid out to avoid, as much as possible, wetland areas on the property.
7. Block Length. Block lengths shall not exceed one thousand (1,000) feet except where a greater length suits the topography or character of the subdivision and does not result in an awkward road pattern or detrimental effect to adjacent property.
Not applicable.
8. Lot Access. Each property shall be provided with vehicular access to each lot by an abutting public or private road. A private road shall be protected by a permanent easement which shall conform to the Road Classification Standards Table and which shall be shown on the plan.
The project will involve a private road less than 1,000 feet in length that will provide access to Andrew Carr's retained lot and provide frontage. The private road will also provide access to 4 of the condominium units. Beyond the private road will be a private driveway access to the remaining 14 condominium units. The private driveway will be designed to match the specifications of the private road, providing a seamless transition between the two.
9. Sidewalks/pedestrian connections. The Planning Board may require sidewalks and/or curbing on either or both sides of any road, where they are or may be necessary for maintenance and/or public safety, as determined by the Planning Board. Provision of pedestrian easements or other types of pedestrian accessways not less than ten (10) feet wide may be recommended to the applicant, where a pedestrian accessway would add to the Town's Greenbelt System or where the Planning Board deems it important for pedestrian enjoyment or to provide access to but not limited to schools, playgrounds, shopping centers, recreation areas, open space, trails, shore frontage, and other facilities. Where feasible, the easements shall connect to existing and proposed recreation trails.
A sidewalk will be provided along the entire length of the private road and private driveway. At the end of the private driveway the sidewalk will transition into a trail and easement to provide access through the property to Town owned land and trail system beyond the property.
10. Road Name. Road names shall not be used which will duplicate or may be confused with the names of existing roads. Road names shall be subject to the approval of the Planning Board and be in compliance with the Town of Cape Elizabeth Addressing Ordinance, Chapter 22, as determined by the Police Chief.
The name "Deep Brook Road" on the plan is a place holder until a suitable and acceptable name has been chosen. Once a final name has been picked and accepted by the Town it will be placed on the plans.

11. Road Construction Standards. Proposed roads are designed in compliance with the Road Construction and Design Standards, Sec. 16-3-2.

The proposed road meets the standards in Section 16-3-2. A waiver has been included to reduce the esplanade width from 8 feet to 6 feet to accommodate the narrow width of the property.

- (e) Sewage Disposal: The proposed subdivision will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized. All systems proposed for the disposal of sewage for developments regulated by this Ordinance shall be in compliance with the provisions of the Town of Cape Elizabeth Sewer Ordinance, Chapter 15.
The development will be connected to the public sewer system run by Portland Water District.
- (f) Solid Waste Disposal: The proposed subdivision will provide for adequate disposal of solid waste. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.
The development will consist of condominium units which will have a private trash hauler collect bins or bags on a weekly basis. The private condominium association will be responsible for all trash on the property.
- (g) Aesthetic, cultural and natural values: The proposed subdivision will not have an undue adverse effect on scenic or natural areas, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
1. Scenic. Consideration shall be given by the applicant and the Planning Board to the impact of the proposed development on scenic vistas and view corridors to and from significant natural features, historic sites, and important topographic features as identified in the Town's Comprehensive Plan. The Planning Board may consider the impact of other design features such as building bulk, architectural style, building placement and landscaping to encourage visual harmony.
While the forested site is beautiful, it is not a scenic vista, nor does it contain any significant natural features or historic sites. The proposed development will remove a number of trees from the property along with a significant amount of invasive plant life. The proposed landscape plan proposes hundreds of plantings to offer new visual character to the development along with visual buffers to neighboring developments.
 2. Wildlife. The applicant shall make adequate provision for the protection of wildlife habitat and fisheries areas, which may include but are not limited to maintenance of wildlife travel lanes, and the preservation and buffering of wildlife habitat areas from proposed development activities.
A snapshot from the Maine IF&W website shows the property as having no significant wildlife habitats located on it.
 3. Natural features. The applicant, whenever practical, shall be required to preserve natural features such as water courses or bodies, existing trees of ten (10) inches or more in diameter (base height), open space, scenic points, historic spots, and unusual or striking topographic features which, if preserved, would add to the attractiveness of the subdivision.

The proposed development aims to preserve as much of the natural features on site as possible. The proposed road and driveway will meander around wetland areas identified on the site and as many trees outside of the work area will be saved as possible. The project will involve over 5 acres of open space and will disturb only about a third of the overall area. A substantial number of new plantings are proposed along with buffering the proposed development from the neighboring properties. The landscape plan and narrative provide more detail about the proposed landscaping.

4. Farmland. All farmland within the proposed subdivision shall be identified on maps submitted as part of the application.

The property contains no farmland.

(h) Conformity with local ordinances

1. Comprehensive Plan. The proposed subdivision is consistent with applicable provisions of the Comprehensive Plan.

The proposed development satisfies several objectives of the Comprehensive Plan including affordable housing, preservation of open space, and development within the growth areas of Town.

2. Zoning Ordinance. The area and width of lots shall conform to the requirements of the Zoning Ordinance. Side lot lines shall be substantially at right angles or radial to road lines.

All lots conform to the Zoning Ordinance.

3. Multiplex Housing. Multiplex housing and cluster developments shall be so designed, sited and laid out as to minimize disturbance of existing topography and ground cover, provide maximum usable natural or improved open space, reflect imaginative use of the site, and be compatible with any surrounding land uses and their character. The minimum lot size and density requirements for any proposed multiplex housing or cluster development shall comply with the Zoning Ordinance.

This project is designed to cluster the development in the most suitable and buildable area of the property. This will reduce wetland impacts and only clear an area necessary for the construction of new dwellings. The allowable density for the property is almost 27 dwelling units, but due to the restrictions placed on dead end roads, the development will have a limit of 18 condominium units: 7 duplex buildings (14 units) and 4 single buildings (4 units).

4. Addressing Ordinance. The street numbering of the individual residential dwelling units and/or lots must be clearly visible on the plans and shall be done in compliance with the Town of Cape Elizabeth Addressing Ordinance, Chapter 22. For any development with more than one set of attached or multiplex dwelling units, signs clearly identifying the house numbers in each set of dwelling units shall be required to be placed along the road leading to each set of units and shall be subject to approval of the Fire Chief and Police Chief.

Unit numbers and addresses are listed on the plans.

- (i) Financial and Technical Capability The applicant shall demonstrate adequate technical and financial capability to complete the project as proposed. In the case where the applicant asserts that public disclosure of confidential financial information may prove detrimental to the applicant or to the success of the subdivision, the Town Manager may review the financial records of the applicant and recommend to the Planning Board that financial capability is adequate.

Financial Capability: We are currently working with the Town Manager to review and approve Mr. Carr's financial capacity for this development. A statement will be issued through the Town Manager's office when the review is complete.

As for technical capacity, the applicant has retained or will retain the following licensed professionals (many of whom are identified in this submission) to develop this project:

- Northeast Civil Solutions, Inc. – Civil Engineering, Land Survey
- Albert Frick Associates – Soil Scientists, Wetland Delineation
- William Bray, P.E. – Traffic
- Barry Hosmer, PLA, ASLA – Landscaping

In addition, once the project is approved, the applicant will hire a general contractor to construct the project, and will continue to utilize the services of the professionals identified above.

- (j) Surface Waters Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38 M.R.S.A. Chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. The Planning Board may determine that the proposed subdivision will not adversely affect surface water quality if the subdivision has been designed to comply with the Shoreland Performance Overlay District.

The project is not within the Shoreland District.

- (k) Ground Water The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The project will utilize public utilities for potable water and sewer services. The stormwater design will involve the detention and treatment of over 11,000 cubic feet of rain water while also maintaining natural drainage and infiltration patterns. There are no detrimental effects anticipated due to this development.

- (l) Flood Areas The Planning Board shall review all subdivision proposals to assure that: (1) they are designed to minimize flood damage; (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; (3) adequate drainage is provided so as to reduce exposure to flood hazards; and (4) the proposed subdivision otherwise meets the standards of the Town of Cape Elizabeth Construction Code, Chapter 6, Floodplain Regulations.

The stormwater system has been designed to control peak flows to levels below the existing conditions of the site. The property is not located in an identified flood plain and the proposed project does not anticipate any flooding issues with this project.

- (m) Wetlands Any proposed alteration of wetlands shall adhere to the requirements and standards of Section 19-6-9 and Section 19-8-3 of the Zoning Ordinance.
The wetland areas identified on site are classified as RP-2 as identified on the Town's zoning map and confirmed and delineated by Albert Frick Associates. The wetland report includes additional details about the property. New street construction, grading, and multiplex housing are allowed in the RP-2 zone with a Resource Protection Permit (RPP). The RPP application and appurtenant information are attached to this submission. Section 19-8-3 standards are addressed within this narrative below.
- (n) Stormwater The proposed subdivision will provide for adequate stormwater management. For any subdivision involving more than ten thousand (10,000) square feet of impervious surface, paving, clearing or vegetative alteration, the provisions and improvements for the control of storm water runoff shall be governed by the provisions of the Town of Cape Elizabeth Storm Water and Non-Storm Water Control Ordinance Chapter 18, Article II and Post Construction Stormwater Management Ordinance, Chapter 18, Article IV. In the case of any subdivision involving less than ten thousand (10,000) square feet of such impervious surfaces, where a subdivision is traversed by a stream, drainage way or other watercourse, or where the Planning Board with the advice of the engineer feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of way conforming substantially with the lines of such watercourse, and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owner abutting upon it of such nature, width and location as the Planning Board with the advice of the Town Engineer, deems adequate.
The development will collect and treat stormwater by the means of an underground storage system and a Contech StormFilter treatment device. A DEP stormwater permit will be required for this development and all aspects of the stormwater design will be reviewed by the state to meet their Basic and General Standards. The attached stormwater report outlines the design and treatment of the site.
- (o) Lake Phosphorus concentration The long term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision. The Planning Board may consider compliance with the Great Pond Watershed Overlay District, Sec. 19-6-12, Zoning Ordinance, as demonstration of no unreasonable increase.
The project is not in the watershed of a great pond or lake. The ultimate destination of all stormwater generated on the property is the Atlantic Ocean.
- (p) Impact on adjoining municipality for any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
The project site is wholly within the Town of Cape Elizabeth.
- (q) Land subject to Liquidation Harvesting The proposed subdivision is not located on land where timber has been harvested in violation of rules adopted pursuant to Title 12 M.R.S.A. Section 8869, subsection 14 or the violation occurred at least five (5) years before the subdivision application has been submitted.

Not applicable.

- (r) Access to Direct Sunlight Consideration shall be given by the applicant and the Planning Board to the sensitivity of the proposed subdivision design for the purpose of protecting and assuring access to direct sunlight. The Planning Board may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict, or control development through methods such as but not limited to restrictive covenants, height restrictions, and side yard and setback requirements. **The existing site is almost entirely wooded and clearing trees for the proposed development will provide additional sunlight for the property.**
- (s) Buffering Plants or other types of vegetative cover shall be preserved or placed throughout and around the perimeter of any proposed subdivision to provide for an adequate buffer, reduction of noise and lights, separation between the subdivision abutting properties, and enhancement of its appearance. Off-road parking lots, storage areas, rubbish disposal areas, or similar improvements exposed to public roads or to residential areas shall be screened by walls, earth berms, fences, or vegetation, and shall be properly landscaped. **The project provides extensive plantings along the road and property lines. Please see the attached landscape plan and written narrative.**
- (t) Open Space Impact Fee
1. Purpose. In order to accommodate the expected needs of the subdivision for open space and recreational areas without diminishing the community standard of public open space, the applicant shall be required to donate land with legal public access or otherwise conserved with a public benefit or a cash contribution in lieu of actual land dedication, or a combination of the above, at the option of the Planning Board and with the advice of the Conservation Commission. When a subdivision is designed in compliance with Sec. 19-7-2, Open Space Zoning, the open space conserved shall be deemed to satisfy the Open Space Impact Fee. (Effective November 14, 2015) **The project is designed in compliance with Section 19-7-2 as outlined below in this narrative.**
- (u) Utility Access. All lots shall have access to water, electrical, and telephone and other utilities. **All condominium units will be served by public water, sewer, electrical, gas and telephone utility services.**
- (v) Phasing. If a subdivision is proposed for development in phases, no portion of the subdivision may be left out of the phasing plan. Sequence of construction of subdivision phases shall be determined. Each phase or, as applicable, sequence of phases shall preserve the standards of review of Sec. 16-3-1 of this Ordinance, with emphasis on emergency vehicle access. The Planning Board may impose such conditions as it deems necessary to assure the orderly development of the subdivision to assure that all necessary improvements are made for each separate phase. Sec. **At this time the proposed project is not planned to be phased in any way.**

16-3-2. Road Design and Construction Standards

The purposes of the subdivision road standards are to minimize traffic safety hazards and the cost of municipal maintenance and reconstruction, to ensure that roads are consistent with the Town's rural

character, to promote a sense of community, and to be consistent with the Comprehensive Plan. The standards shall be flexible where an applicant can demonstrate that alternative approaches will meet the above stated purposes. Roads within a subdivision shall be classified by the Planning Board in accordance with their location and their present and contemplated usage. A road which is likely to be upgraded in classification in the foreseeable future shall be laid out to the standards of the potential future classification. The widths and grades for all subdivision roads shall be determined in accordance with the Road Classification Standards Table, subject to the following qualifications:

1. Where an existing road with right-of-way of less than fifty (50) feet is being extended, the new right-of-way may be the same width as the existing road upon approval by the Planning Board and Public Works Director.

The private road ROW is 50 feet wide.

2. Width of right-of-way may be forty (40) feet for a road shorter than three-hundred (300) feet which ends in a cul-de-sac, upon approval by the Planning Board and Town Engineer.

Not applicable.

3. Notwithstanding the Road Classification Standards Table, dead-end roads in excess of one thousand (1,000) feet in length must comply with Sec. 16-3-2 (a)(9) of this Ordinance.

The private road is less than 1,000 feet in length; however, the entire road and driveway is just under 1,800 linear feet and does comply with Section 16-3-2(a)(9) of the ordinance.

A. Road Design

1. Sight Distance

a. New Subdivision Road sight distance.

- (1) Measurement. Sight distance shall be measured from a height 3.5 (three and one half) feet above the traveled way, in each direction of the road to a height .5 (one-half) foot above the pavement.

Sight distance was measured at the proposed road location and exceeds the requirements. The distances are outlined within the Traffic Report attached to this submission.

- (2) Standard. The road shall be designed to achieve a sight distance in the range indicated on the Road Classification Standards Table. The maximum sight 26 distance range shall not be exceeded without reasonable justification which shall be presented by the applicant.

See answer above.

b. Road Intersections.

- (1) Measurement. The sight distance for a road entering onto a second road shall be measured from a location fifteen (15) feet behind the edge of traveled way of the side road or drive at an elevation of three and one half (3.5) feet above the finished grade surface to a point four and one quarter (4.25) feet above the pavement in the centerline of the travel lane approaching the intersection. Where unavoidable obstructions are encountered at the fifteen (15) foot setback, the location may be moved to a point no closer than ten (10) feet from the traveled way. Isolated interruptions of minimal time duration in sight distance due to

obstructions, such as a single tree, shall not be included in the measurement of sight distance.

There are no road intersections within the proposed development.

- (2) Standard. The road intersection shall be designed to achieve a sight distance in the range indicated on the Road Classification Standards Table.

Not applicable.

- c. Single Family driveways. When the Planning Board requires that an individual driveway be shown on the subdivision plan, the sight distance measurement and standard shall meet the requirements in the Road Classification Standards Table.

All driveways within the development have adequate sight distance.

2. Road Geometry. New subdivision roads shall be designed to comply with the Road Classification Standards Table and the following standards:

- a. Horizontal Alignment. At all changes in alignment, road sidelines shall be connected by horizontal curves. All changes in slope shall be connected with vertical curves whose length shall be consistent with the Road Classification Standards Table. When the degree of curvature exceeds two (2) degrees on rural connector, collector, or arterial roads, the curves shall be super-elevated to meet the criteria established by AASHTO, most current edition.

The road curves meet the design table.

- b. Intersection Design

- (1) Roadway grades approaching an intersection shall not exceed three percent for a distance of fifty (50) feet from the edge of paving of the road being entered.

The grade of the road at the intersection with Shore Road is 2.75%.

- (2) Road intersections shall be separated at least one hundred twenty-five (125) feet whenever possible. A separation of less than one hundred twenty-five (125) feet may be acceptable when a low volume of traffic allows for safe traffic circulation. 27

There are no internal road intersections within the development.

- (3) At intersections and common boundaries of subdivisions, roads shall be continuous and in alignment with existing roads if possible. Roads shall be laid out so as to intersect as nearly as possible at right angles, and no road shall intersect any other road at less than a sixty (60) degree angle.

The road is laid out to intersect with Shore Road at 80 degrees.

- c. Traveled Way. The traveled way shall be designed consistent with the Road Classification Standards Table. Every traveled way shall maintain a constant width and shall be centered in its right-of-way. The Planning Board may also shift the traveled way up to five (5) feet from the center to preserve existing mature trees or minimize wetland alterations.

The road is designed in the middle of the 50-foot ROW.

- d. Radii. Radii of curves and lengths of tangents between curves shall be consistent with the Road Classification Standards Table. At a minimum, road radii shall provide adequate turning radius for a B-40 vehicle as defined by AASHTO. To measure turning radius, the full width of pavement of both lanes of traffic shall be included, exclusive of shoulder areas. Minimum turning radius shall be required from both directions of the intersecting road.

The proposed road and private condominium driveway meet all Town requirements.

- e. Shoulders. The width of shoulders and surfacing shall be determined by reference to the Road Classification Standards Table. The road lanes shall be striped to provide a traveled way in compliance with the Road Classification Standards Table.

The road meets the Road Classification Standards Table with the exception of the width of the esplanade. A waiver has been requested to reduce this width.

3. Sidewalks. Sidewalks shall be five (5) feet wide and shall be separated from the traveled way by a grassed esplanade in accordance with the Road Classification Standards Table. When locating the sidewalk, a one (1) foot wide buffer strip shall be preserved along the right-of-way between the back edge of the sidewalk and the right-of-way. Sidewalks shall be required on one side of the road and notwithstanding Sec. 16-3-5 of this Ordinance, shall not be waived by the Planning Board. The design of a Rural Connector shall include a sidewalk path within ten (10) feet of the outside edge of the right-of-way. The sidewalk path shall be field located to avoid significant vegetation.

The development proposes a 5-foot-wide sidewalk on the north side of the new road separated from the traveled way by a 6-foot-wide grassed esplanade. The esplanade will include street tree plantings.

4. Curbing.

- a. Installation. Curbing shall be installed at road intersections and have a radius of at least twenty-five (25) feet, unless otherwise approved by the Town Engineer. Curbing may be required to aid in slope stabilization.

The standard has been met.

- b. Material. Curbing shall consist of granite, extruded concrete or bituminous concrete; design and choice of materials for curbing shall be based upon the anticipated use of the road involved and shall be subject to the approval of the Town Engineer and the Public Works Director. Granite curbing specifications shall be five inch by seventeen (5 x 17) inch vertical plus or minus one (1) inch vertical as required by the Public Works Director. Granite curbing installed at intersection shall be set in concrete. 28

Granite curbing is proposed for this development.

5. Drainage. All roads shall have an underground enclosed drainage system, and no surface drainage shall be conveyed or diverted across a traveled way.

All proposed stormwater drainage utilizes catch basins within the gutter line of each lane that will convey water from the surface to underground storage and overflow devices.

6. Road Signs. Road signs shall be approved by the Public Works Director and installed in compliance with MUTCD (Manual on Uniform Traffic Control Device) standards.
A road name and Stop Sign are proposed at the entrance.
7. Road Trees.
 - a. Adjacent to Road. Each road shall be designed to include, within the right-of-way, at least one (1) tree for every fifty (50) feet of each side of road frontage. Up to twenty (20) percent of road trees may be ornamental trees. All trees shall comply with tree species and size standards further described in Appendix C Road Tree List. Existing trees within the right-of-way which have been preserved may be counted toward this requirement if the species, size, preservation measures, and post-construction condition of the trees are approved by the Tree Warden. Where an esplanade is included in the road design, road trees required on that side of the street shall be planted in the esplanade. The esplanade shall be filled with soil, such as common borrow, suitable for growing trees. Where the esplanade provides insufficient soil volume to support a road tree, structural soils may be used underneath the sidewalk to expand the tree growth area. See also Appendix C, Road Tree List.
Road trees have been incorporated into the landscape plan.
 - b. Cul-de-sac. Landscaping including trees and other plant materials shall be required in the center island of a cul-de-sac.
A "T" shaped turnaround is being used at the end of this development. No cul-de-sac is proposed.
8. Dead-End Roads.
 - a. Length. Dead-end roads shall not be longer than two thousand (2,000) feet in length and shall not serve more than twenty (20) dwelling units. The maximum length, the maximum number of dwelling units and the mandatory requirements of dead-end roads shall not be waived by the Planning Board, notwithstanding the waiver provision in Sec. 16-3-5 of this Ordinance.
The proposed private road and condominium driveway have a combined length of 1,780 feet and will serve 19 dwelling units: 18 condominium units and 1 single family home
 - b. Minimum Requirements. Any dead-end road in excess of one thousand (1,000) feet in length shall meet mandatory requirements for the entire length of the dead-end road. Mandatory requirements shall include (1) the placement of all utilities underground, (2) the dedication to the Town of a fifty (50)foot wide right-of-way, and (3) a minimum pavement width of twenty-two (22) feet.
The proposed private road has a length of 850 feet, however the entire length of the access driveway is 1,780 feet. The private ROW will incorporate s 50-foot-wide ROW and a pavement width of 22 feet. The pavement width will be carried throughout the development to the end of the private

condominium driveway. All utilities will be run underground to serve this development.

- c. Added Requirements. The Planning Board may require improvements such as (1) the placement of sidewalks to Town specifications, (2) limited clearing of the right of-way with the advice of the Town Tree Warden on the stability of adjacent tree growth, (3) the provision of an emergency access lane with a 29 minimum width of eighteen (18) feet and (4) a minimum esplanade width of six (6) feet for divided entrances.

Noted.

- d. Measurement. A dead-end road shall be measured from the end of the existing or proposed dead-end road to the closest intersecting through road. The measurement shall include proposed road(s) and existing road(s), public or private, whether within or beyond the limits of the proposed subdivision. The length of the road shall be measured from the center line of the closest through road, along the center line of the dead-end road to the end of pavement or traveled way. Divided entrances shall be allowed only if they provide direct access to arterial roads as classified by the Town.

Noted.

- e. Termination. All dead-end roads shall end in a cul-de-sac or a T-shaped turnaround and be designed according to the dimensions shown on Appendix D. All cul-de-sacs shall be so designed that water will drain from all portions into a storm water drainage system. The interior of all cul-de-sacs shall be neat and orderly, and shall either be left in its natural condition or be graded, loamed and seeded. Granite monuments shall be installed by the developer at the intersection of each side of the road with the cul-de-sac and at the radius point of the cul-de-sac, as shown in the cul-de-sac diagrams. A T or L-shaped turnaround may be used and placed on the right side of the road. All T-shaped turnarounds, whether temporary or permanent, shall be paved. No parking is allowed in a turnaround. See also Appendix D, Turnaround Design.

The driveway ends with a T-shaped turnaround per the Town's specifications.

- 9. Private Road. The first fifty (50) feet of a private road from the edge of the road shall be paved. A private road shall be constructed in accordance with the right-of-way width, gravel base, traveled way width and monumentation of a local road. The Planning Board may require that a road be constructed to public road standards; further the Planning Board shall require dedication of the roads as public rights-of way if there is potential for future development that could be accessed through the proposed subdivision.

The entire length of the private road will be paved.

- 10. Monuments. A four (4) inch square granite monument shall be set at each point of curvature and angle point on both sides of every road and at every property line intersection. A surveyor's pin shall be set at each property line corner. Except with the permission of Public Works Director, all monumentation shall set flush with existing grade. At road intersections and at locations where monuments on one road line would fall within two hundred (200) feet of each other, the Public Works Director may reduce

this requirement provided that the reduced monumentation is adequate for road line surveys. (Revised eff. 12/10/03)

All necessary monuments will be installed.

SEC. 19-7-2. OPEN SPACE ZONING

A. Applicability

1. Residence B District The provisions of this section shall be mandatory for residential subdivisions and multiplex housing in the Residence B District. (Effective November 14, 2015)

The property is in the Residence C (RC) zoning district.

2. Other Districts, In the Residence A District and Residence C District, the provisions of this section shall be optional. In such districts, notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed residential development may modify provisions relating to space and bulk, including but not limited to setbacks, to permit innovative approaches to housing and environmental design in accordance with the standards of this section. Such modifications of Space and Bulk Standards shall not be constructed as granting variances to relieve hardship. (Effective November 14, 2015)

The property is in the RC zoning district, the applicant is electing to design the project in accordance with this section.

B. General Standards

1. Developments proposed under the terms of this section shall meet all requirements of this section, unless otherwise noted.

Noted.

2. The uses of the land shall not differ from the uses allowed in the district in which the development is located.

The proposed multiplex condominium development is allowed in the RC zone.

3. Each lot or building must be an element of an overall plan for site development. When the development consists of the creation of lots, the plan shall establish a building envelope for each lot that identifies the area within which the buildings will be located. When the development involves the construction of multiple buildings on one (1) or more lots, the plan shall show the location of each building.

The plans show the location of all new buildings proposed.

4. Notwithstanding subsection 3 above, when the development of a parcel shall be divided into phases, the Planning Board may allow future phases to be designed at a concept level. Concept level plans shall provide sufficient detail to demonstrate that the Subdivision Ordinance Standards and the Open Space Zoning Standards will be met when final design is completed and submitted to the Planning Board. Concept level plans, at a minimum, shall include: vehicular access, location of significant wetlands and/or other prominent natural features, a general layout of lots or buildings and an adequate amount of open space. No phase of a development shall be constructed until a final plan for such phase demonstrating full compliance with the Subdivision Ordinance

and the Open Space Zoning Standards has been approved by the Planning Board and complies with all other requirements of the Subdivision Ordinance. (Effective December 8, 2004)

The proposed project will not be phased.

C. Dimensional Standards The average size of the individual lots shall be smaller than that required in the district in which the cluster development is located and the balance of the required area shall be reserved as open space. The lots and open space shall conform to the following Space and bulk Standards:

1. Density The overall density of the residential development shall not exceed the density requirements of the district in which it is located as shown in the chart below. In the event that a residential development is located in more than one zoning district, the overall density of the development shall not exceed the combination of the density requirements of the districts in which the development is located. For example, if a subdivision has 660,000 square feet of net residential area in the RA District and 150,000 square feet in the RC District (with public sewage) then the overall density shall not exceed 20 units. (Effective November 14, 2015) RC 1 unit per 15,000 sq. ft. of net residential area 1 unit per 15,000 sq. ft. of net residential area

The density of the condominium parcel is calculated to be 26 dwelling units. A calculation plan has been created to show areas subtracted from the overall parcel area to arrive at a net acreage. Please see the plans for more details. The 18 proposed dwelling units are well below the calculated density.

2. Minimum Lot Size
Not applicable, the project is designed as a condominium development where all the units are on one lot.
3. Average Lot Size Lots and/or dwelling units shall be laid out so that the average lot size is not more than sixty percent (60%) of the maximum density set forth in Sec. 19-7-2.C.1 above in the RA and RC Districts and not more than fifty percent (50%) of the maximum density in the RP District.
Not applicable, the project is designed as a condominium development where all the units are on one lot.
4. Open Space At least forty percent (40%) of the gross acreage shall remain as open space outside of the lots and not otherwise assigned to individual dwelling units. In the RB District, where the development will be served by public sewer, at least forty-five percent (45%) of the gross acreage shall remain as open space outside of the lots and not otherwise assigned to individual dwelling units. At least one third of this required open space shall be land that is usable as determined by applying the criteria of the net residential area definition. [For example, if a parcel consists of one hundred twenty (12) acres, at least forty-eight) acres shall be kept as open space. Of these forty-eight (48) acres, at least sixteen (16) acres shall be usable applying the criteria of the net residential area definition.] (Effective November 14, 2015)
The Condominium lot consists of 12.80 acres and proposes a total of 6.42 acres of open space or 50.2% of the condo lot area. Of the 6.42 acres of open space over 5 acres is suitable space applying the net residential area criteria. 5 acres well exceeds the 2.14 acres required in this subsection.

5. Road Frontage The minimum road frontage of each lot shall be fifty (50) feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing as of June 4, 1997.
The lot retained by Andrew Carr will have 290 feet of frontage on the private road ROW proposed.
 6. Building Envelope/Location If the development consists of buildings on individual lots, the applicant shall establish and show on the subdivision plat a building envelope for each lot, within which the building shall be located. The bounds of the building envelope shall be at least twenty (20) feet from the right-of-way of the road serving the lot, and at least five (5) feet from any side or rear lot line. If the development consists of multiple buildings on one (1) or more lots, the plat shall show the proposed location of each building. Buildings shall be located so that the distance between any two (2) buildings is at least equal to the height of the taller building.
The plan shows a minimum distance of 30 feet between buildings which is greater than the maximum height of 28 feet of any building proposed on the property.
 7. Other Setbacks Neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in this Ordinance. The structures within a block shall maintain a uniform relationship to the street. A uniform relationship shall mean front setbacks that are within a range of ten (10) feet. The Planning Board may waive this requirement based on the physical characteristics of the site or the design concept for the development
While this plan does not involve lots, each building is located roughly the same distance from the road/driveway within the development to create a consistent look.
- D. Open Space Design Standards (Effective November 14, 2015) In addition to other standards of this Ordinance and of the Town's Subdivision Ordinance, the following design standards shall apply.
1. Land to be preserved as open space. The land within the residential development to be preserved as open space shall be designed in accordance with the following standards.
 - a. Contiguous land. To the greatest extent possible, open space shall be conserved in large, contiguous blocks. Narrow strips of open space (for example, extended strips of open space of less than fifty (50) feet in width) shall not be included in the open space design unless they provide public access connectors (i.e. greenbelt trail) to nearby public open space (which includes lands and/or greenbelt trails), wildlife corridors or links to neighborhoods that would benefit from use of the open space to be preserved.
The open space for the project has been updated to include three blocks of open space (Block 1, Block 2 and Block 3). The total area included in these three blocks is greater than 45% (50.2%) of the total condo development property as shown on the updated plans. There are sections of open space that are less than 50 feet in width; however those areas are not counted towards the 45% requirement, and are outlined on the updated open space plan attached to this submission.

The open space for this development is to be used for passive recreation and no additional pathways are proposed to be built, which would result in addition impacts to the land. The open space will be protected from any cutting or future development. The area is wooded and easily traversable in its current condition due to large trees and open undergrowth. This condition will allow residents to take walks in the woods to enjoy nature in an uninterrupted way.

In addition, Open Space Block A includes a grassed area which can be used for family picnics or other small gatherings. The field area will be easily accessible from the new sidewalk via the corridor that currently contain Deep Brook Road. Deep Brook Road will be removed, loamed and seeded as part of the development, and will be continuously mowed as part of the property maintenance going forward. This will provide easy access to the larger field within the open space to be used for passive recreation or small gatherings.

All three blocks of open space will be connected via the road and sidewalk that is proposed for this development. There will be no need to walk behind the condominium units to access any of the open space areas on the property and all residents will have full access to all three open space blocks. In addition, as previously proposed, the development will allow a public access easement along the sidewalk and through Open Space Block C that will connect Shore Road to the Greenbelt Trail on Town own land adjacent to this property.

- b. Connectivity. Where public open space is located in close proximity to the residential development, open space shall be laid out to concentrate land to be preserved adjacent to or near existing public open space. Access for lots/units in the development shall be provided to land to be preserved as open space. Greenbelt trail connections to existing public open space and land to be preserved shall also be provided where appropriate.
There are no other public open spaces on either side of this parcel. At the west end of the parcel, it does connect with an existing trail system to Town owned land. This access will remain open to the public through the property.
- c. Preservation priorities. Consistent with the standards set forth above, the land within the residential development to be preserved as open space shall be determined using the following priorities, in the order that they appear. To the extent priorities that are higher on this list are met by the proposed open space provisions in a residential development, the landowner shall have satisfied the requirements of this subsection even if the proposed open space design does not preserve lower priorities.
 - i. Wetlands/environmentally sensitive areas/wildlife habitat. In a manner that preserves environmentally sensitive areas, such as wetlands, steep slopes (as included in the computation of net residential area), flood plains, and wildlife habitat rated by the Maine Department of Inland Fisheries and Wildlife as high value.

All remaining RP2 wetlands are included within the open space.

- ii. Agriculture. In a manner that preserves active agricultural fields for agricultural use. The agricultural land to be preserved as open space must meet the requirements of “farmland” as that term is defined in the 168 Farm and Open Space Tax Law, 36 M.R.S.A. Sections 1101-1121, Farmland Tax Law, but does not need to be registered under this state program. The agricultural land to be preserved under this subsection shall be deemed to meet the requirements of “farmland” if it is part of a parcel or parcels that meet the farmland definition referenced above, even though the agricultural land to be preserved does not independently meet all the criteria in the definition. (Effective September 13, 2017)
There is no existing or proposed agriculture/farm land on this property to be preserved.
 - iii. Greenbelt and Recreation area. In a manner that preserves and promotes connectivity of the Cape Elizabeth Greenbelt townwide.
The proposed access through the property allows access to the Town’s greenbelt from Shore Road.
 - iv. Scenic character. In a manner that preserves visual resources identified in An Assessment of the Visual Resources of Cape Elizabeth, Maine (February 19, 1989), a copy of which is on file with the Town Clerk.
After coordinating with the Town’s Planning Department, it was confirmed that this parcel is not identified within the 1989 Assessment.
2. Permanent Open Space Preservation The land in the residential development to be preserved as open space shall be permanently preserved and shall meet the following standards.
- a. Permanent legal protection. Deeds or any other documents necessary to permanently protect the land within the residential development to be preserved as open space shall be prepared and recorded. Documentation that reflects how the applicant intends to ensure legally that the land within the residential development to be preserved as open space will be protected shall be submitted to the Planning Board as part of the application review. In particular, the documentation shall specify the ownership structure of the open space. For example, land within the residential development to be preserved as open space (or an easement interest therein) may be dedicated or deeded to the Town of Cape Elizabeth, the land may be deeded to a residential development homeowners’ association, the land may be deeded to a third-party conservation organization, or the land may be retained by the applicant. The documentation shall specify, at a minimum, restricted activities and vegetation preservation. Access to the open space must be made available to the homeowners of the residential development and is strongly encouraged to be made available to the public, and such access may be limited consistent with the open space priorities.
The open space will be deeded to the Condominium Association and will not likely provide public access. Public access will be provided through the

middle of the property along the proposed sidewalk that will connect Shore Road to the publicly owned lands to the west of the development. A draft of the Condominium Association documents, which will include the provisions of the open space, will be presented to the Board prior to the Final Plan review.

- b. Restricted activities. Activities on the open space shall be restricted to preserve the open space from future development. No principal residential, commercial or other buildings shall be constructed on the preserved open space. Structures related to the preservation priorities in Sec. 19-7-2 (D) (2) may be allowed. For example, open space preserved as a (i) wetlands/environmentally sensitive areas/wildlife habitat priority may include viewing platforms, nature observation shelters, or boardwalk and bridge structures; (ii) agriculture priority may include a barn or shed 169 structure; (iii) greenbelt and recreation area may include boardwalk and bridge structures; and (iv) scenic character areas may include an overlook. Existing vegetation shall be preserved, but vegetation management related to the preservation priorities may be allowed. For example, open space preserved as a (i) wetlands/environmentally sensitive areas/wildlife habitat priority may include limited clearing and vegetation trimming to install and maintain greenbelt trails; (ii) agriculture priority may include tilling of fields and animal grazing; (iii) greenbelt and recreation area may include construction and maintenance of athletic fields; and (iv) scenic character areas may include vegetation removal and management to create and maintain public views.

All restricted activities within the open space will be outlined in the draft Condominium Association documents for the project.

- c. Maintenance. If the land in the residential development to be preserved as open space is not deeded to the Town of Cape Elizabeth, documentation shall be submitted identifying the party responsible for maintaining the open space and describing the methods to be employed to maintain the open space.
All maintenance activities required for the property, including open spaces, will be outlined in the draft Condominium Association documents for the project.

3. Vehicular Access, Street Layout, and Construction In addition to the standards of the Town's Subdivision Ordinance, vehicular access within a cluster subdivision shall meet the following additional standards:

- a. All vehicular access to buildings and lots shall be from a street within the development and not from an existing public road.
Access to each dwelling unit will be from the new private road and private accessway.

- b. All streets, roads, access drives, and parking areas shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all-season emergency access, snow storage, delivery and collection services, and potential connections to abutting land.

The proposed layout of the development utilizes the upland areas of the property and avoids, as much as possible, the lower wetland areas. The site provides adequate areas for parking and pedestrian walkways along with snow storage and have emergency access. The road is designed to Town standards with a turnaround at the dead-end.

4. Other Design Elements The applicant shall address the following issues in the plans prepared under the terms of this section:
 - a. The screening and buffering of above-ground utility structures, such as transformer boxes, meters, and pumping stations;
The final location of transformer boxes will be determined in the field by CMP when the electrical systems are installed. The site provides extensive buffering in and around the proposed development.
 - b. The location of private outdoor space for each dwelling unit;
Private space for each unit is provided in the rear and to the side of each unit.
 - c. Private storage space for each dwelling unit, if needed, in order to store such items as lawnmowers, recreational vehicles, lawn furniture, and the like;
The development will likely hire an independent property management company to oversee the maintenance of the grounds. No outdoor storage spaces are proposed. Individual lawnmowers and other items will need to be stored within the two car garages that come with each unit.
 - d. Owner and visitor parking;
Owner parking is provided within the two car garages attached to each unit. Visitor parking is available within the 20-foot-long driveways for each unit. A total of 4 parking spaces, minimum, are provided for each unit (2 inside, 2 outside).
 - e. A landscape plan prepared by a landscape architect or other qualified design professional, which preserves the natural landscape and which adds new landscape materials where needed to buffer, or mitigate, the impacts of new development; and
A landscape plan, prepared by Landscape Architect Barry Hosmer is attached within the plan set. A landscape narrative is also included within the application materials that summarizes the landscaping goals for this development.
 - f. Pedestrian circulation within the development and, as appropriate, to abutting developments and pedestrian systems.
A continuous sidewalk is provided along the entire length of the new accessway.
- E. Multiplex Housing Standards (Effective November 14, 2015) Multiplex housing in the RA, RB and RC Districts must comply with the following provisions.

1. Open Space At least forty-five percent (45%) of the gross acreage shall remain as open space outside of the building footprint(s), parking areas and other developed areas (excluding open space improvements), and any areas assigned to individual dwelling units. At least one third of this required open space shall be land that is usable as determined by applying the criteria of the net residential area definition.
The total open space provided is 50.2%. See the response to Section 19-7-2.C.4 above for more details.
2. Building Size The maximum building footprint shall not exceed 7,500 sq. ft. The maximum height shall be limited to thirty-five (35) feet.
The maximum building footprint is 4,400 square feet and the maximum height is 35 feet.
3. Public Water and Sewer The multiplex housing must be served by public water and public sewerage. Where the most reasonable public sewer connection will require public sewer construction of more than one-quarter (1/4) mile from the existing public sewer to the development property line, or where the development density is less than 20 multiplex units, the development may increase the base density by fifteen percent (15%), provided that the total density bonuses available under Sec. 19-7- 2 (E) shall not exceed thirty percent (30%) when aggregated.
Public water is proposed within this development. No density bonuses are sought for this development.
4. Site Design Standards
 - a. Open Space. Open space shall be designed in accordance with Sec. 19-7- 2(D), Open Space Design Standards.
The open space has been designed to meet the standard listed, a summary of the standards in Section 19-7-2(D) are provided above.
 - b. Building location. The building, parking areas and related development structures shall be located on the portion of the site most suited to development. The first impression of a building is from the side that faces the street. When the building is located within one-hundred feet (100') of a public right-of-way, the front of the building shall be oriented toward the public right-of-way. Vehicular and pedestrian connections to the public right-of-way shall be incorporated into the site design.
The majority of the development is located in the rear (west) of the property which provides upland area most suitable for development.
 - c. Landscaping. Areas of significant existing vegetation that shall be preserved shall be shown on the site plan. The plan shall include a preservation plan for that landscaping during construction. Where suitable existing vegetation is not present or will not be preserved and where any part of the building is located within one hundred feet (100') of a public right-of-way, the area between the building and the public right-of-way shall be landscaped. The landscape plan shall create a transition from the public right-of-way to the building and serve to enhance the perspective of the building. General site landscaping shall

include transition areas from the building to parking areas and include a buffer between the developed portions of the site and abutting properties.

Please see the landscaping plans. A tree save plan has also been provided to show trees, 6" or larger, within 50 feet of the proposed development area that will likely be saved during construction.

- d. Parking Areas. Parking shall be provided in accordance with Sec. 19-7-8, Off-Street Parking. Parking lots shall be landscaped to soften the perception of an expanse of hard surface. Landscaped islands may be required in parking lots exceeding 20 spaces.

Each dwelling unit provides a minimum of 2 parking spots, meeting the standard in Section 19-7-8, see summary below.

5. Architectural Standards The multiplex building(s) must be designed to be compatible with the character of Cape Elizabeth, which ranges from compact neighborhoods to undeveloped open space and from agricultural fields to limited commercial areas. Compatibility shall be determined using the following standards.

- a. Massing. The perception of a building is influenced by its size, but more importantly by how the overall size is distributed throughout the building. Determination of compatibility shall be based on the degree of articulation on building surfaces, the magnitude of unbroken faces of a structure, the impact of the building mass upon view sheds and the integration of mechanical equipment within the structure.

This development is the modern interpretations of Carpenter and Board & Batten Gothic architectural styles that were popular in the mid-1800s. The proposed housing development consists of 18 condominiums with the massing designed as simple rectangular volumes to keep in context with the Cape Elizabeth/Cape Cottage style. The main rectangular volume is the dominant shape on the site (for design, footprint, height and roof line – see attached plans). The front porches, built-out awnings, additional rooms and overhangs are designed as additive elements.

- b. Roof. The height of a building and the type of roof design significantly influence the scale of a building. Roofs shall generally be of a gable or other sloping roof design. Roofs shall have a minimum pitch of 7:12. Roof lines shall be integrated into the façade and structure of the building and use of any kind of a parapet to simulate a roof line shall be prohibited.

The roof design exceeds the 7:12 pitch which is consistent with the local homes. The roofline construction follows the tradition of roof overhangs. The asphalt roof shingles will match those required by local code.

- c. Entrance and windows. The relationship between doors and windows to exterior wall space of a building creates a rhythm or pattern. Doors and windows shall be consistent with the style of the building. The building shall have a distinctive front entrance. The front entrance shall be prominently located and articulated on the façade of the building. Individual outside entrances may be permitted. Windows shall be generously incorporated into the design, both in number and size.

Key contextual elements include balanced and proportionately spaced windows. The generous use of windows are framed with simple trim at the top and sides that creates a rhythm and pattern throughout all units. The front entry doors are well integrated within the fenestration of the façade and are protected by a front facing shed roof design. All units have a distinctive front entrance.

- d. Exterior Siding Materials. Color boards, which include a representation of the building color palette, and exterior material samples shall be provided by the applicant. Façade materials give a structure character. Exterior materials shall be compatible with the design of the structure. Exterior materials shall be of high quality and durable. The use of wood shingles, wood clapboards, brick and stone is permitted. The Board may approve high quality manufactured materials, for example concrete clapboards or siding, such as hardiplank, that mirrors the appearance of natural materials, however no other use of concrete block, sheet metal or aluminum siding is permitted.

The façade materials consist of vertical, ship lap, vinyl, LP Smart siding and corner boards consistent with the local design and appearance of the neighborhood.

SEC. 19-7-4. MANDATORY AFFORDABLE HOUSING PROVISIONS

- A. Purpose The Town finds that an adequate supply of affordable housing for persons of low and moderate income is desirable for the public health, safety and welfare in that it promotes a community rich in economic, social and cultural diversity. It is therefore a public purpose and an objective of the Comprehensive Plan to make available and integrate in the Town an adequate supply of housing for persons of all economic segments of the community.

Noted.

- B. Applicability The mandatory affordable housing provisions shall apply to all major subdivisions as defined in Sec. 16-1-4, located in the Residence A, Residence B, and Residence C Districts. All major subdivisions, as defined in Sec. 16-1-4 of the Subdivision Ordinance, shall set aside at least ten percent (10%) of the lots/units in the project as affordable housing for moderate income buyers or five percent (5%) of the lots/units in the project as affordable housing for low income buyers. For projects where a number of lots/units in excess of the mandatory required lots/units are set aside as affordable housing, the applicant shall be eligible for a density bonus of one (1) additional lot/unit for each moderate-income affordable lot/unit and two (2) additional lots/units for each low-income affordable lot/unit in excess of the mandatory requirement. Non-bonus lots shall meet all requirements of the subdivision regulations. The following minimum lot sizes may be approved for the additional bonus lots/units which may be affordable or market rate:

The proposed development will incorporate two affordable units for moderate income buyers. Two out of nineteen equals 11.1%.

SEC. 19-7-8. OFF-STREET PARKING (Effective May 12, 2002)

- A. A. Applicability Off-street parking shall be provided for all new construction, expansions, and changes of use in accordance with the requirements and standards found in this section.

4. 4. The following minimum number of spaces, rounded up to the nearest whole number, shall be provided and maintained for each use on a lot, including each use within all buildings. The Planning Board may reduce by up to thirty percent (30%) the required parking for the reuse of a building existing as of June 4, 1997. In granting such a reduction, the Planning Board must find that:
 - a. a. Residential
 1. 1. Single Family Dwellings 2 spaces per dwelling unit including manufactured housing
All single condo units will have two garage spaces along with two off street spaces between the edge of the road and the garage.
 2. 2. Two-Family Dwellings 2 spaces per dwelling unit
All condo units will have two garage spaces along with two off street spaces between the edge of the road and the garage.

SEC. 19-8-3. RESOURCE PROTECTION PERFORMANCE STANDARDS

All activities in the Resource Protection Districts shall comply with the following performance standards as applicable:

- A. Resource Protection Permit Procedures
 1. Review
The RPP will be reviewed in conjunction with the subdivision application by the Planning Board.
 2. Submission Requirements
All submission requirements are attached within the subdivision application materials.
- B. Resource Protection Permit Standards The Planning Board shall grant a Resource Protection Permit for uses, structures and activities within Resource Protection Districts if it makes a positive finding based upon the information presented that the alteration as proposed, or with specified conditions of approval:
 1. will not materially obstruct the flow of surface or subsurface waters across or from the alteration area;
The proposed impacts on site are at the periphery of the wetlands and won't change drainage patterns within the development.
 2. 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;
The proposed project will allow for surface waters to cross the road at several locations to avoid impounding of water. The project is designed to decrease the peak stormwater flows off the property to help alleviate downstream flooding concerns.
 3. will not 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;
The project is designed to decrease the peak stormwater flows off the property to help alleviate downstream flooding concerns.

4. will not result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
The project site is not home to spawning grounds for any plant or animal species identified by IF&W. Maps from IF&W's online mapper are attached that show no identified plant or animal species will be affected in a significant way by development on this site.
5. will not pose problems related to the support of structures;
There are no anticipated problems with structure support.
6. will not be detrimental to aquifer recharge or the quantity or quality of groundwater;
The site will utilize the public sewer system and stormwater will be collected and treated prior to release back into the drainage system. A majority of the developed area will be collected and treated per the Town Ordinance and DEP Stormwater Permit.
7. will not disturb coastal dunes or contiguous back dune areas;
Not applicable, we are not in a back dune area.
8. will maintain or improve ecological and aesthetic values;
A majority of the property will remain undisturbed by the development and will retain aesthetic value through the thoughtful planting of new, non-invasive, vegetation.
9. will maintain an adequate buffer area between the wetland and adjacent land uses;
The majority of wetland impact occurs at the periphery of the wetland areas where new plantings and grassed areas will be installed between any impervious surfaces and the remaining wetlands. Impervious areas within the proposed development will not drain to an adjacent wetland area.
10. will 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;
The project will meet the Maine DEP's basic standards which include all erosion control measures.
11. will 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
The development will be served by the public sewer system.
12. will, in the case of Resource Protection Permits in the Resource Protection Floodplain District, also comply with Section 6-6-6 of the Floodplain Management Ordinance.
The project is not within the Resource Protection Floodplain District.

In evaluating the proposed activity, the Planning Board may consult with expert persons or agencies.

Noted.

