

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: August 17, 2021
SUBJECT: Robinson Woods III trail improvements

Introduction

The Cape Elizabeth Land Trust is requesting a Resource Protection Permit to alter up to 920 sq. ft. of RP1 and RP1-Buffer wetland to make trail improvements, including installation of a 16' x 6' bridge to replace a longer crossing, installation of 52' of 4' wide boardwalk and relocation of an existing trail in Robinson Woods III off Shore Rd. The application will be reviewed for compliance with Sec. 19-8-3, Resource Protection Regulations and the applicant has requested expedited review.

Procedure

- The Board may want to begin by having the applicant summarize the project.
- The Board should make a finding of completeness. If the application is deemed incomplete, Board members should identify the information needed to make the application complete and no substantive discussion of the project should occur. If the application is deemed complete, the Board may begin review of the project.
- If the application is deemed complete, the public hearing scheduled for this evening should be held.
- At the close of discussion, the Board has the option to approve, approve with conditions, deny or table the application.

Summary of Completeness

The completeness checklist and the comments of the Town Engineer are attached. The applicant has requested waivers as follows:

2. Contours. The applicant has requested a waiver from providing 1' topographic contours in the wetland and has instead provided 2' contours.
6. Soils. The applicant has provided wetland boundary information prepared by FB Environmental, a firm with reputable environmental mapping qualifications, based on wetland plants. They are requesting a waiver from providing soils information, in consideration of the minimal impact the project will have to permanently alter the landscape.
9. Stormwater. The applicant is requesting a waiver from providing a stormwater management plan prepared by a registered engineer, again

due to the minimal impact the project will have to permanently alter stormwater flows.

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

Below is a summary of the Resource Protection Permit standards of review and how they may be met.

1. Flow of surface/subsurface waters

The proposed boardwalk and stream crossing will be elevated from the ground and preserve existing water flows.

2. Impound surface waters

The proposed boardwalk and stream crossing will be elevated from the ground so water will not be impounded.

3. Increase surface waters

A total of 272 sq. ft. of boardwalk and bridge is proposed for construction. This boardwalk and bridge allow water to flow onto adjacent vegetated surfaces and is too small to create a measurable stormwater increase.

4. Damage to spawning grounds

The proposed trail relocation, boardwalk and bridge are part of a project to relocate existing public access out of a wetland area.

5. Support of structures

The proposed bridge and boardwalk construction is consistent with trail installations throughout town and have proved durable.

6. Aquifer recharge/groundwater

The relocation of trails out of the wetland and relocation of the bridge to a shorter stream span should lessen the impact on the wetland as a groundwater recharge area.

7. Coastal dunes

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

8. Ecological/aesthetic values

The proposed trail relocation, boardwalk and bridge preserve existing public access while reducing environmental impact by shortening the stream crossing.

9. Wetland Buffer

No buffer is proposed as the work, by its nature, will be located entirely in the wetland and wetland buffer area.

10. Erosion Control

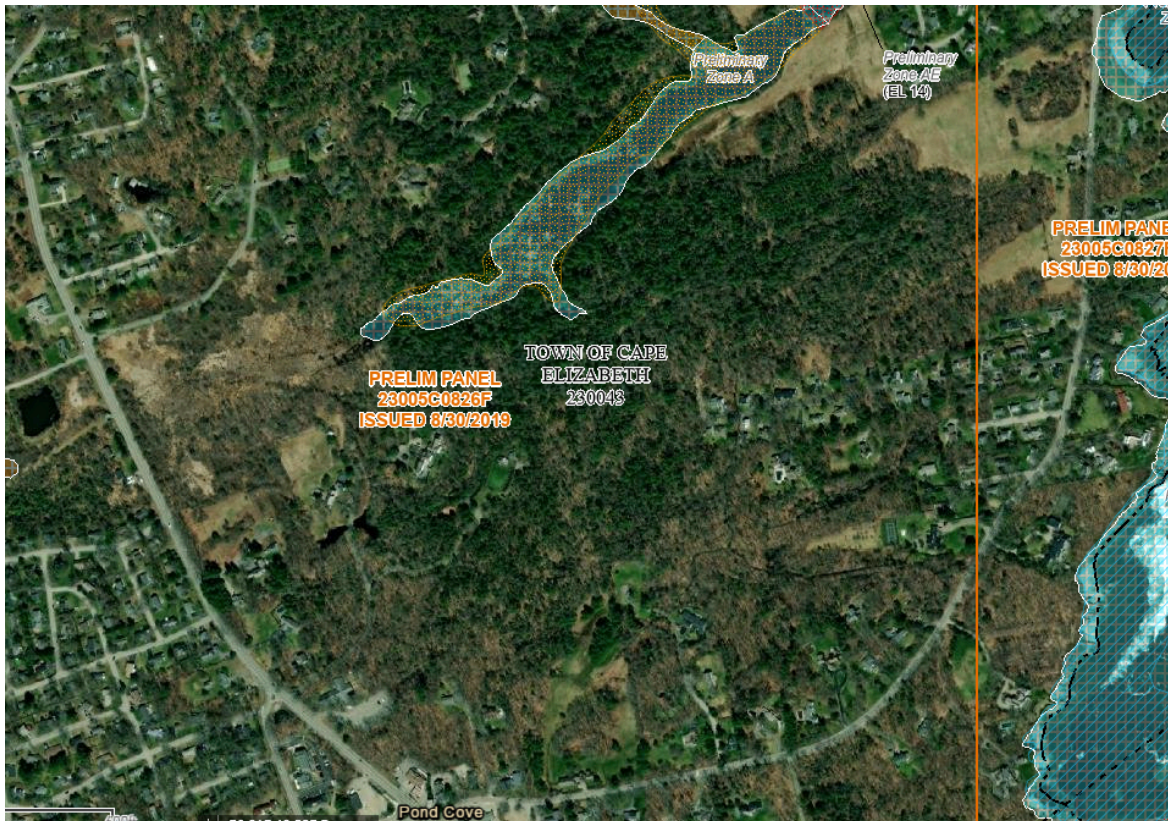
The project has minimal ground disturbance. The Planning Board may want to consider a condition that appropriate erosion control measures be incorporated during construction.

11. Wastewater discharge

No discharge of wastewater is proposed as part of the project scope.

12. Floodplain Management

No floodplains are located in the project area.



Motions for the Board to Consider

A. Motion for Completeness

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Cape Elizabeth Land Trust for a Resource Protection Permit to alter up to 920 sq. ft. of RP1 and RP1-Buffer wetland to make trail improvements, including installation of a 16' x 6' bridge to replace a longer crossing, installation of 52' of 4' wide boardwalk and relocation of an existing trail in Robinson Woods III off Shore Rd be deemed (complete/incomplete). The finding of completeness includes granting of the following waivers:

1. One foot topographic contours;
2. High intensity soil survey;
3. Stormwater management plan prepared by a professional engineer.

B. Motion for Approval

Findings of Fact

1. The Cape Elizabeth Land Trust is requesting a Resource Protection Permit to alter up to 920 sq. ft. of RP1 and RP1-Buffer wetland to make trail improvements, including installation of a 16' x 6' bridge to replace a longer crossing, installation of 52' of 4' wide boardwalk and relocation of an existing trail in Robinson Woods III off Shore Rd, which requires a Resource Protection Permit.
2. The proposed trail improvements (will/will not) materially obstruct the flow of surface or subsurface waters across or from the alteration area;
3. The proposed trail improvements (will/will not) impound surface waters or reduce the absorptive capacity of the alteration area so as to cause or increase the flooding of adjacent properties;
4. The proposed trail improvements (will/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;
5. The proposed trail improvements (will/ will not) result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
6. The proposed trail improvements (will/will not) pose problems related to the support of structures;

7. The proposed trail improvements (will/ will not) be detrimental to aquifer recharge or the quantity or quality of groundwater;
8. The proposed trail improvements (will/ will not) disturb coastal dunes or contiguous back dune areas;
9. The proposed trail improvements (will/ will not) maintain or improve ecological and aesthetic values;
10. The trail improvements (will/ will not) improve buffering between the wetland and adjacent land uses;
11. The trail improvements (will/ will not) be accomplished in conformance with the erosion control best practices;
12. The trail improvements (will/ will not) be accomplished without discharging wastewater; and
13. The proposed (is/ is not) located in a floodplain.
14. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Cape Elizabeth Land Trust for a Resource Protection Permit to alter up to 920 sq. ft. of RP1 and RP1-Buffer wetland to make trail improvements, including installation of a 16' x 6' bridge to replace a longer crossing, installation of 52' of 4' wide boardwalk and relocation of an existing trail in Robinson Woods III off Shore Rd be approved, subject to the following conditions:

1. That appropriate erosion control measures be used during and after construction; and
2. That the applicant obtain all necessary state permitting and notify the town that permits have been obtained.

PROJECT: Robinson Woods III bridge/trail

DATE: August 17, 2021

APPLICANT: Cape Elizabeth Land Trust

**RESOURCE PROTECTION PERMIT
APPLICATION COMPLETENESS CHECKLIST
(Section 19-8-3(2)(c) of the Zoning Ordinance)**

- | | |
|------------|--|
| _Y_ | 1. Detailed Site Plan; |
| _W_ | 2. Topographic map showing the location and slope of all existing grades and all proposed grades upon completion of the proposed alteration (1-foot contour intervals/2-foot contour intervals); |
| _Y_ | 3. Written description of the entire parcel and the location of the wetland; |
| _Y_ | 4. Names and property locations of all abutting property owners; |
| _Y_ | 5. Written description and a map of the vegetative cover and the wetland upland edge of the site prepared by a botanist or wetland specialist; |
| _W_ | 6. Written description and a high intensity soils map of the site's underlying soils, the location of hydric soils, and the wetland upland edge prepared by a certified soils scientist; |
| _Y_ | 7. Map indicating the wetland upland edge based on hydrology, if needed; |
| _Y_ | 8. Location and flow direction of all existing watercourses, ponds and standing water; |
| _W_ | 9. Stormwater runoff plan prepared by a professional engineer; |
| <u>N/A</u> | 10. Delineation of the portion of the lot that is buildable and the proposed footprints of the buildings and structures; |
| _Y_ | 11. Information on the exact sites and specifications for all proposed draining, filling, grading, dredging, and vegetation removal; |
| _Y_ | 12. Statement about the purpose of the project and why the proposed activity cannot be located at other sites; |
| <u>N/A</u> | 13. Mitigation measures, if any; and |
| <u>N/A</u> | 14. Any additional information required by the Town Planner. |
| _Y_ | Evidence of right, title and interest in the property to be reviewed. |