

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

January 21, 2020

7:00 p.m. Town Hall

Present:	Josef Chalot, Chair	Peter Curry
	Daniel Bodenski	Carol Anne Jordan
	James Huebener	Jonathan Sahrbeck
	Andrew Gilbert	

Also present was Maureen O'Meara, Town Planner.

CALL TO ORDER

Mr. Chalot called the meeting to order and asked for the approval of the minutes of December 17, 2019. The minutes were approved as presented 7-0.

ELECTION OF OFFICERS

Mr. Chalot summarized that town rules require election of a chair with a cap of 2 consecutive years and asked for nominations. Ms. Jordan nominated Mr. Chalot, seconded by Mr. Curry. Nominations ceased and Mr. Chalot was unanimously elected to serve as Chair. He then called for nominations for Vice-Chair. Mr. Sahrbeck nominated Mr. Huebener, seconded by Mr. Gilbert. Nominations ceased and Mr. Huebener was unanimously elected Vice-Chair.

NEW BUSINESS

Edgecomb Way Private Road Extension - Jay Cox is requesting Private Road Review and a Resource Protection Permit to extend Edgecomb Way, located in the vicinity of 75 Ocean House Rd, to provide access to future lots, Sec. 19-7-9 Private Road Completeness and Sec. 19-8-3, Resource Protection Permit Completeness.

Jay Cox made a presentation on behalf of KGM LLC (Skip and Kris Murray). Edgecomb Way is located at 75 Ocean House Rd and across from Canterbury Way. It has previously been approved as a private road/private accessway with 18' of traveled way in a 35' wide right-of-way in November 2017. The road was not built and lot 2 was sold to KGM in July, 2018.

Lot 2 and the right-of-way located on the abutting Clark property constitutes the project. The land slopes west and down from Ocean House Rd and is mostly wooded. Lot 2 is approximately 68,000 sq. ft. with two upland areas separated by

an RP2 wetland. Surface water flows from southeast to northwest and necks down to 10 wide. The project is to extend a private road 260' from the prior approval to access an upland area. The existing 35' wide right-of-way will be used to construct an 18' wide paved traveled way with 2' wide grassed shoulders. The road will provide frontage for up to 3 additional lots, none of which are proposed at this time.

Utilities will be included in the road during construction and sized for anticipated lots. The road will end in a T turnaround designed to comply with the subdivision ordinance standards, with a slight variance on right-of-way width. He has analyzed 4 turnaround options and this design is the best for meeting the Fire Chief's needs and minimizing wetland impacts. Mark Hampton, soil scientist, refined earlier mapping with additional data points so that an accurate wetland impact can be calculated. The T turnaround straddles 3 parcels owned by Thomas, Clark and KGM. Easements have been obtained to allow the turnaround construction.

A 36" culvert is proposed under the road at the 10" neckdown of the wetland. The culvert is oversized for anticipated stormwater flows, but meets Army Corps standards to accommodate movement by wildlife. A road maintenance agreement requires maintenance of the road and culvert. The road is sloped to drain toward lot 2, then enters the wetland and flows through the culvert into downstream wetlands and a manmade ditch. He will provide additional 2 year storm event stormwater flow estimates, in addition to the 25 year and 100 year storm events already submitted.

The project includes alteration of 3,988 sq. ft. of RP2 wetland, for which an RP permit is requested. The application includes an Erosion and Sediment Control plan and the culvert enhanced for wildlife movement. The larger culvert does alter slightly more wetland because the road is slightly higher with corresponding longer side slopes.

The applicant has met with the abutters, some of whom are opposed to the project, and will continue buffering and screening with them.

Mr. Cox displayed a sketch of utility construction in the road in response to a request for more construction detail by Town Engineer Steve Harding. This information will be finalized and added to the next plan submission. Robert Bartels of the Portland Water District is requiring extension of a 2" copper line from Ocean House Rd, and then use of a manifold to extend water to homes within 300'. Beyond 300', a meter pit will be needed. Sewer will be a 2" pvc force main. Phone, cable and power will be in conduit in the road. Construction details will be finalized with town staff.

Mr. Cox reviewed the road standard waivers. Instead of 50', he proposing a 35' wide right-of-way. Instead of 22', he is proposing an 18' wide paved traveled way, with 2' grassed shoulders.

Mr. Cox described the watershed that includes lot 2, which starts at Canterbury on the Cape, a DEP regulated stream crossing Ocean House Rd, down to lot 2 and then southwest to Purpoodock Dr. There is a 24" smooth bore culvert under Purpoodock Dr which outlets to an RP2 wetland and then to a culvert under Spurwink Ave, north of Fairway Drive. He is confident the .3 cfs of stormwater increase in the 25 year storm can be accommodated. This information will be included in the next submission. That submission will include finalizing the utility location, stormwater data, scour protection and screening.

Mr. Chalot opened the public comment period on completeness.

Craig Ashman, 10 Purpoodock Dr - He abuts the property and has met with Jay and Skip. He is concerned with lights from the road and would like buffering. He doesn't like the larger hammerhead and would prefer a gravel rather than paved road. He is also concerned with wetland flows.

The public comment period was closed.

Ms. Jordan said the application was very thorough and was confident questions would be addressed.

Mr. Sahrbeck asked Ms. O'Meara to explain the Conservation Committee's recommendation that more information about scour protection downstream of the culvert. Ms. O'Meara explained the Conservation Committee's role in RP permit review and typical protection at the culvert outlet to prevent erosion.

Mr. Chalot asked if the applicant would be revising the plans per the Town Engineer's comments and adding buffering for the next meeting. Mr. Cox said the information would be provided, but he may not make the next meeting due to his work schedule.

Mr. Gilbert disagreed the application was complete, although he believes it will get there.

Ms. Jordan commented that completeness is enough information to move forward with review. With a thorough vetting of the plans, it may take more iterations to get the plans to acceptable.

Mr. Curry and Mr. Chalot agreed all areas were addressed to a threshold level.

Mr. Huebener made the following motion, seconded by Ms. Jordan.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jay Cox to extend the Edgecomb Way Private Road (located in the area of 75 Ocean House Rd) and a Resource Protection Permit to alter 3,988 sq. ft. of RP2 wetland be deemed complete.

The motion passed 6-1 (Gilbert).

The Planning Board discussed scheduling a site visit. Mr. Sahrbeck was concerned with how much wetland would be visible under snow. Mr. Cox said he took pictures after the last snow melt and would provide them. Mr. Chalot asked if the drainage channel was visible and Mr. Cox said it was partially visible. The Planning Board wants the property lines flagged, and Mr. Cox agreed. Based on the applicant's timetable, the Planning Board determined that it would not be feasible to wait until snow cover was gone. A site walk was scheduled for Wednesday, February 5th, beginning at 4 p.m.

Ms. Jordan made the following motion, seconded by Mr. Huebener.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jay Cox to extend the Edgecomb Way Private Road (located in the area of 75 Ocean House Rd) and a Resource Protection Permit to alter 3,988 sq. ft. of RP2 wetland be tabled to the regular February 24, 2020 meeting of the Planning Board, at which time a public hearing will be held.

The motion passed 7-0.

Mr. Chalot invited members of the public to speak on items not on the agenda and no one came forward.

Ms. Jordan made a motion to adjourn, seconded by Mr. Curry, which passed unanimously at 7:50 p.m.