

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: May 15, 2012  
SUBJECT: Old Sea Point Rd 2012 Subdivision Amendment

### Introduction

Elaine Zavodni-Sjoquist is requesting an amendment to the previously approved and amended Old Sea Point Rd subdivision to add a lot at the end of Old Sea Point Rd. The application was deemed complete and a public hearing has been scheduled for this evening. The plan will be reviewed under Sec. 16-2-3 of the Subdivision Ordinance.

### Procedure

- The Board should begin by having the applicant summarize any changes made to the plans since the last meeting.
- The Board should then open the public hearing.
- Once the public hearing is closed, the Board may begin discussion of the application.
- At the end of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

### Subdivision Review (Sec. 16-3-1)

#### A. Proposed Streets

No new street is proposed.

This standard states that “The Board may require provision for the projection of roads *or for access to adjoining property*, whether subdivided or not.” [italics added] Lot 18-5 and an adjacent parcel were the subject of an earlier Planning Board workshop where a possible subdivision was proposed. While there is no proposal for a subdivision on lot 18-5 at this time, there is potential for additional development on this lot.

Lot 18-5 has street frontage on Route 77, Old Ocean House Rd and Old Sea Point Rd. State of Maine access management standards and the Town Comprehensive Plan both discourage establishment of new driveways onto Route 77. The Old Ocean House Rd frontage is relatively narrow and placement of a home could block access. Finally, the applicant is proposing to prohibit the construction of a town road on the Old Sea Point access (See note 2). In an effort to preserve options for access in the future, the Planning Board may want to consider the following conditions:

- That a restriction be added to the lot 18-5 deed that prohibits vehicular access from Route 77;
- That a note be added to the plans that no building permit be issued for lot 18-5 which allows the placement of a building that would not preserve a 50' wide right-of-way at the northerly frontage with Old Ocean House Rd that extends from Old Ocean House Rd to the rear a minimum distance of 525'.
- That note 2 be amended to eliminate the prohibition against providing access to a "street as defined by town ordinance."

#### B. Street Design

Old Sea Point Rd is a substandard private road. Previous approvals granted by the Planning Board included requirements to upgrade Old Sea Point Rd to private road standards. These upgrades include widening Old Sea Point Rd where it intersects with Old Ocean House Rd to achieve a minimum radius, extending the culverts at that intersection, expanding the turnaround to conform to the Subdivision Ordinance standard for turnarounds, and expanding the width of Old Sea Point Rd so that a minimum 18" depth of gravel extends a width of 18', with 3' of loam and seed over the gravel shoulders.

Detailed plans showing these improvements are shown on the 2007 Subdivision amendment approved by the Planning Board. At the request of the Planning Board, the applicant has attempted to carry forward these requirements in Note 1. The Town Engineer has noted, however, that the note does not completely capture the information in the 2007 approval. Further, the 2007 approval plans were prepared by a different firm, which may complicate a wholesale "lifting" of the 2007 plans to this 2012 set. The Board may want to consider changes to Note 1. The change must either attempt to capture everything on the 2007 plans, or reference the 2007 plans and perhaps also provide a summary or highlights.

The applicant is offering to establish an escrow account to ensure the construction of these improvements. The Planning Board may want to consider establishment of the escrow account as a condition of approval.

#### C. Landscaping

No additional landscaping is proposed. No landscaping is proposed for removal, except for the trees previously identified for removal as part of the road improvements.

#### D. Off-street areas

No disposal or storage areas are proposed.

E. Street layout

No new streets are proposed.

F. Access to sunlight

The new lots include building envelopes where the proposed homes will have direct access to sunlight.

G. Block lengths

Not applicable

H. Street names

No change is proposed.

I. Stormwater

The Town Engineer has reviewed the stormwater concept and supports this approach.

J. Pedestrian Easements

No pedestrian easement is proposed.

K. Lot Area

Each lot is in excess of the minimum 80,000 sq. ft. required.

L. Vehicular Access

Lots 18-2 and 18-5 have access to a road.

M. Multiplex/Cluster Housing

Not applicable

N. Sidewalks

No sidewalks are proposed or required on a private road.

O. Natural features

No unique natural features have been identified for preservation.

P. Scenic Vistas and View Corridors

The site is not located in a vista or view corridor as identified in the Visual Impact Study conducted by the town.

Q. Recreation/Open Space

The applicant has agreed to pay an open space impact fee for the new lot in the amount of \$6,729.00.

R. Common space

No common space is proposed.

S. Sewage Disposal

All lots will be served by subsurface wastewater disposal. No subsurface wastewater disposal system has been designed for lot 18-5. The lot is 6.45 acres, however, and the Code Enforcement Officer has determined that the proposed lot has locations that are suitable for a subsurface wastewater disposal system.

T. Flood Hazards

The subdivision is not located in the floodplain.

U. Wetlands

No new wetland alteration is proposed.

V. Wildlife Habitat

No significant wildlife habitats have been identified.

W. Numbering of units

There will be only 1 unit per lot.

X. Utilities

All utilities are available in the area.

Y. Technical and Financial Capacity

No information has been provided.

Motion for the Board to Consider

Findings of Fact

1. Elaine Zavodni-Sjoquist is requesting an amendment to the previously approved and amended Old Sea Point Rd subdivision to add a lot at the end of Old Sea Point Rd, which requires review under Sec. 16-2-3 of the Subdivision Ordinance.
2. The Planning Board finds that the full range of options for vehicular access to adjacent land should remain available to promote public safety.
3. Improvements to Old Sea Point Rd to upgrade it to town private road standards should be undertaken as soon as possible to promote public safety.
4. Payment of the Open Space Impact Fee will help preserve the community standard of open space.
5. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Elaine Zavodni-Sjoquist is requesting an amendment to the previously approved and amended Old Sea Point Rd subdivision to add a lot at the end of Old Sea Point Rd be approved, subject to the following conditions:

1. That a restriction be added to the lot 18-5 deed that prohibits vehicular access from Route 77;
2. That a note be added to the plans that no building permit be issued for lot 18-5 which allows the placement of a building that would not preserve a 50' wide right-of-way at the northerly frontage with Old Ocean House Rd that extends from Old Ocean House Rd to the rear a minimum distance of 525';
3. That note 2 be amended to eliminate the prohibition against providing access to a "street as defined by town ordinance;"

4. That Note 1 be amended to revise “replaces note #8 on the 2007 plan” with “requires that all the street improvements included on the 2007 subdivision approval are added to this plan by reference, a summary of which is highlighted below;”
5. That an escrow account in an amount acceptable to the Town Engineer and a form and amount acceptable to the Town Manager be established for all the road improvements;
6. That the Open Space Impact Fee in the amount of \$6,729.00 be paid.
7. That the plans be revised and submitted to the Town Planner for review and all the above conditions satisfied prior to recording the subdivision plat.