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## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: March 19, 2013  
SUBJECT: Pillsbury 10 Clinton Rd Private Accessway Permit

### Introduction

Winslow Pillsbury is requesting a Private Accessway Permit to create a new lot located at the end of Clinton Rd (U24-22). The application will be reviewed for compliance with Sec. 19-7-9, Private Accessway Permit Completeness.

### Procedure

- The Board should begin with an overview of the applicable ordinance provisions from the town planner.
- • The applicant should then make a presentation introducing the project.
- The Board should then make a finding of completeness. If the application is deemed incomplete, Board members should identify the information needed to make the application complete. If the application is deemed complete, substantive review may begin.
- If the application is deemed complete, the Board should open the public hearing advertised for this evening.
- At the close of discussion, the board has the option to approve, approve with conditions, deny or table the project.

### Summary of Completeness

The comments of the Town Engineer and the completeness checklist are attached. Below is a summary of possible incomplete items.

No items appear incomplete.

### Private Accessway Standards (Sec. 19-7-9(D)(4))

a. One dwelling unit

A single family home is proposed.

b. Access

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1. 30' right of way - The proposed right of way width appears to be 30'.

The Town Attorney has reviewed the road maintenance agreement and reciprocal easements for the right-of-way and provided comments. The Board may want to require that these documents be finalized, signed and recorded as appropriate.

2. Accessway - The driveway is proposed with an 18' wide gravel subbase and 18' wide travel surface, and paved with 2" of asphalt. A modified turnaround has been proposed, which the Fire Chief and Town Engineer believe will be adequate for the ladder truck.

The applicant has requested that the maximum 5% grade requirement be waived to allow the existing driveway to be used, with a grade of up to 18%. Town staff, including the Town Engineer, Public Works Director and Fire Chief, have expressed concerns regarding the steepness of this Private Accessway. Nonetheless, they do not oppose the waiver request. They note that this is an existing driveway rather than proposed new construction. Requiring this lot to comply with the grade requirements would result in massive reconstruction of the entire hill area that would expand the amount of land area to be disturbed.

As part of the waiver, however, staff are recommending confirmation that the ladder truck angle of departure (at the rear of the truck) has adequate clearance when entering the driveway before paving is installed. Staff are also recommending that the driveway be paved, rather than a gravel or alternative surface, to stabilize the travel surface and prevent erosion.

3. Sight Distance - No change from existing driveway.
4. One lot - One new lot is created as part of this approval.

Both lots have potential to be further subdivided, however, vehicular access to any new lots will be problematic due to the physical constraints to the site, specifically the pond. The Planning Board may want to consider requiring the applicant to create a master plan for the entire property that includes a layout for vehicular access and building envelopes. This plan should then be used as the basis for laying out access for the proposed lot and preserving the route for access for potential new lots. In this way, the best location for future access will not be precluded

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because of the siting of a building. No additional lots would need to be approved at this time. Alternately, the applicant could elect to permanently eliminate the option for future development.

5. Lesser standard – The applicant is requesting a waiver from the maximum grade requirement.

c. Sewage Disposal

The applicant has submitted confirmation that the property can be served by public sewer. Additional sewer line construction details have been requested by the Town Engineer.

d. Building envelope

The plans include a building envelope, however there is no description of the activities allowed in or out of the building envelope.

Motions for the Board to Consider

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**A. Motion for Completeness**

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Winslow Pillsbury for a Private Accessway Permit to create a new lot at 10 Clinton Rd be deemed (complete/incomplete).

**B. Motion for Approval**

Findings of Fact

1. Winslow Pillsbury is proposing to create a new lot located at the end of Clinton Rd (U24-22). which requires review under Sec. 19-7-9, Private Accessway Permit.
2. The Town Engineer has identified revisions needed to the plans to insure that town standards are met.
3. A road maintenance agreement and reciprocal easements need to be established to assure maintenance of and access to the private accessway.
4. The Planning Board finds that a waiver of the 5% maximum slope requirement should be granted because the driveway is existing, it will

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provide access to no more than 1 additional lot, it will be reconstructed as needed to minimally accommodate town emergency vehicles, and strict adherence to the maximum slope standard will result in substantial reconstruction and disturbance of a much larger area.

5. The proposed private accessway will exceed the maximum 5% slope and should be reconstructed as needed to assure access by emergency vehicles, with special attention to the angle of departure for the ladder truck.
6. A building envelop has been labeled on the plans, but no description of what the building envelope means has been included.
7. The application substantially complies with Sec. 19-7-9 Private Accessways.

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Winslow Pillsbury for a Private Accessway Permit to create a new lot at 10 Clinton Rd be approved, subject to the following conditions:

1. That the plans be revised in accordance with the Town Engineer's letter dated March 13, 2013.
2. That the road maintenance agreement and reciprocal easements be revised per the Town Attorney comments, signed and recorded prior to the issuance of a building permit.
3. That after final grading and compacting of the driveway and before paving, the Fire Chief shall inspect the driveway to determine that a sufficient angle of departure has been created. No paving shall occur until the driveway has been graded to comply with the approved plans.
4. That a note be added to the plans that activities outside the building envelope shall be limited to the construction of driveways and utilities.