

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: July 16, 2013
SUBJECT: 10 Clinton Rd Private Accessway Permit Amendments

Introduction

Ms. June O'Neill is requesting amendments to the previously approved Private Accessway Permit for 10 Clinton Rd, lot A, to relocate utility connections and install a garden outside the building envelope. The application will be reviewed for compliance with Sec. 19-7-9, Private Accessways and a public hearing has been advertised for this evening.

Procedure

- The Board should begin by asking the applicant to summarize the proposed amendments.
- There is no specific private accessway amendment provision. The Board may proceed as an amendment or as a full new review. As an amendment, the Board may want to determine by consensus if sufficient information has been submitted to consider the amendment request.
- If sufficient information has been submitted, the Board may wish to proceed with review of the amendment.
- The Board should open a public hearing, which has been advertised for this evening.
- At the close of the public hearing, the Board may resume discussion.
- At the end of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

Summary of Amendments

The focus of the 10 Clinton Rd Private Accessway Permit has been the reconstruction of the driveway to provide an adequate angle of departure for the ladder truck. No change to the driveway construction is proposed. The applicant is requesting that utilities be relocated out of the driveway and into an easement located on a lot adjacent to lot A on Oakwood Rd.

The second change is to allow a garden to be placed outside the building envelope. Activities outside the building envelope are limited to installation of driveway and utilities and existing vegetation is to be preserved.

The applicant has prepared a new plan showing the utilities and garden area. Town staff are concerned that having two different plans, each with information regulating the property, will be confusing and undermine enforcement. In a phone conversation, the applicant has agreed to add the proposed amendments to the previously approved plan. Staff has also asked for additional utility connection details.

Motion for the Board to Consider

Findings of Fact

1. Ms. June O'Neill is requesting amendments to the previously approved Private Accessway Permit for 10 Clinton Rd, lot A, to relocate utility connections and install a garden outside the building envelope, which requires review under Sec. 19-7-9.
2. The proposed amendments should be added to the previously approved plan to create one set of approved plans.
3. Construction details of utility connections in the road should be included on the plans.
4. This approval supplements the prior approval and all requirements except for installation of utilities in the driveway and the garden still apply.
5. The application substantially complies with the Private Accessway Provisions, Sec. 19-7-9.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of June O'Neill for an amendment to the previously approved Private Accessway Rd for 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 July 10, 2013;
2. That the amendments (1) relocating the utility connections for the new home from the driveway to the utility easement connecting to Oakwood Rd; and (2) allowing a garden as shown outside the building envelope be added to the previously approved plans. Town staff shall review the plans to confirm the amendments.

3. That there be no issuance of a building permit, nor alteration of the site until the plans have been revised, signed by the Planning Board and recorded in the Cumberland County Registry of Deeds.