

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 15, 2013
SUBJECT: Old Hayfield Rd Private Road Review

Introduction

Stephanie Boggs is proposing a private road to be constructed within the paper street of Elizabeth Rd, located off Reef Rd, to create access to a back lot located at the end of Elizabeth Rd. The new private road would be named Old Hayfield Rd. The plans will be reviewed for compliance with the private road standards in the Subdivision Ordinance.

Procedure

- The Planner will provide an overview of how the project relates to town regulations.
- The applicant should provide a summary of 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 and no substantive discussion of the application should occur. If the application is deemed complete, substantive review may begin.
- The Board should decide if a site walk and/or public hearing will be scheduled.
- At the close of discussion, if either a site walk or public hearing is scheduled, the application should be tabled to the next meeting. Otherwise, the board has the option to approve, approve with conditions, table or deny the application.

Summary of Completeness

The Minor Subdivision Completeness Checklist and the comments of the Town Engineer are attached. Below is a summary of possible incomplete items:

3. The applicant has provided survey information on the location of the paper street right of way and also survey information of a portion of the back lot. The applicant has requested a waiver from providing complete survey information on the back lot. The lot is existing and clearly in excess of the minimum 80,000 sq. ft. lot size.
7. The applicant has requested a waiver from submitting a traffic study.

17. The applicant has requested a waiver from submitted a full stormwater analysis due to the very small increase in stormwater. The Engineer supports this waiver with the addition to the plan of a rain garden that will mitigate the stormwater increase.

At the last meeting, the Board deemed the application incomplete due to right, title and interest questions of the back lot's legal access to Elizabeth Rd/Old Hayfield Rd. Since that meeting, the original subdivision plan that created Elizabeth Rd has been reviewed. While the back lot does not have a number or metes and bounds description like other lots on the plan, the back lot is depicted on the plan. Further, the deed to the back lot specifically references rights to use roads in the Shore Acres subdivision, where Elizabeth Rd is located.

Discussion of items beyond the completeness level

The applicant is proposing a private road, instead of a private accessway, so that the road could meet the frontage requirement for an existing lot at the rear of the Prior home, as well as frontage for the Boggs lot. At the same time, the applicant is requesting construction waivers from the private road standards so that the actual construction will be consistent with a private accessway. This approach has been approved by the Planning Board in the past.

The applicant is taking advantage of the option to offset the road 5' from the center line of the right of way to minimize impact on existing mature trees. The applicant is also requesting a waiver from the maximum grade for the first 50' from 3% to 5%. This has also been granted in the past. Beyond the first 50', there is no maximum grade requirement, although access for emergency vehicles must be preserved.

Motion 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 Stephanie Boggs for a private road to be constructed within the paper street of Elizabeth Road, located off Reef Rd, to create access to a back lot located at the end of Elizabeth Rd, be deemed (complete/incomplete).

B. Motion to Table with or without a public hearing

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Stephanie Boggs for a private road to be constructed within the paper street of Elizabeth Road, located off Reef Rd, to create access to a back lot located at the end of Elizabeth Rd, be tabled to the regular November 19, 2013 meeting, (at which time a public hearing shall be held).