

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: November 19, 2013  
SUBJECT: Old Hayfield Rd Private Road Review

### Introduction

Stephanie Boggs is proposing a private road to be constructed within the paper of Elizabeth Rd, located north of 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 application was deemed complete and a public hearing has been schedule for this evening. The plan will be reviewed under Sec. 16-2-3 of the Subdivision Ordinance.

### Procedure

- The Planner will provide a summary of the project within the context of town regulations.
- The applicant will 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) Pollution

The road construction proposed is not expected to general undue water pollution. The construction is not located in a floodplain and no proposal for subsurface waste disposal is submitted for approval in this application. The slope of the land has been incorporated into the applicant's stormwater management plan and no direct discharge to a stream is proposed. Applicable state and local health and water resource regulations are addressed in more detail below.

#### (b) Sufficient Potable Water

The proposal does not include a use that requires a potable water supply, however, the proposed road will be constructed with a 2" water line to supply future residential lots.

(e) Erosion

The plan includes an erosion control plan including placement of silt fencing, loam and seeding of disturbed areas, and installation of a stone check dam to slow stormwater from the road following construction.

(d) Traffic

1. Road congestion and safety. The proposed road will not result in traffic volumes that exceed the capacity of Reef Rd.
2. Comprehensive Plan. The proposed road provides access to existing undeveloped lots and the Comprehensive Plan supports maintaining the current status of legal nonconforming lots as potentially developable and also supports infill development in existing neighborhoods.
3. Connectivity. The proposed road is located in an existing paper street.
4. Safety. The very low volumes anticipated on the proposed road are not expected to create a safety hazard.
5. Through traffic. Old Hayfield Rd is proposed as a dead-end.
6. Topography. There is little opportunity to vary the location of the road because it is proposed within an existing paper street. The applicant has proposed minimizing the width of the road to reduce the area of cut and fill needed. Town staff are recommending that the road width be increased to more closely comply with existing standards in order to improve access, especially during an emergency.
7. Block Length. Not applicable.
8. Lot Access. In addition to the back lot owned by the applicant, there are also 2 possible legal, nonconforming lots to the west of Old Hayfield Rd, and 2 existing, built lots on the east side of Old Hayfield Rd. The lots to the east do not appear to have the opportunity to further divide. One lot has driveway access on Reef Rd and the more southerly lot has access on the proposed Old Hayfield Rd.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. The road name has been approved by the Police Chief.

11. Road Construction Standards. The road design includes some waivers from the local road standards. Full depth construction with an 18" deep gravel base is consistent with town standards. Width construction has been modified from 22' wide to 18' wide. Traveled way surface has been modified from 22' wide to 14' wide with 2' wide gravel shoulders. Town staff are recommending that the traveled way width be increased to 18' with 2' wide gravel shoulders. This width will likely require the removal of mature trees.

(e) Sewage Disposal.

Not applicable.

(f) Solid Waste Disposal.

Not applicable.

(g) Aesthetic, cultural and natural values

1. Scenic. The site is not located in a vista or view corridor as identified in the Visual Impact Study conducted by the town.
2. Wildlife. No significant wildlife habitats have been identified.
3. Natural features. The proposed reduction in road width will preserve 3-4 existing oak trees located in the paper street.
4. Farmland. No farmland is included in this application.

(h) Conformity with local ordinances

1. Comprehensive Plan. No portion of the application appears in direct conflict with the Comprehensive Plan.
2. Zoning Ordinance. No new lots are proposed as part of this application.
3. Multiplex Housing. Not applicable.
4. Addressing Ordinance. The Police Chief has approved the proposed road name.

(i) Financial and Technical Capability

The applicant has provided a letter from Wells Fargo Advisers, Wealth Management Group, asserting adequate financial capacity and a list of professionals with experience in designing subdivisions.

(j) Surface Waters

Not applicable.

(k) Ground Water

The development is not proposed within a significant aquifer recharge area.

(l) Flood Areas

The subdivision is not located in the floodplain.

(m) Wetlands

No wetland alteration is proposed.

(n) Stormwater

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

(o) Lake Phosphorus concentration

The proposed construction is not within the watershed of a great pond.

(p) Impact on adjoining municipality

Not applicable.

(q) Land subject to Liquidation Harvesting

Not applicable.

(r) Access to Direct Sunlight

No new lot is proposed as part of this application.

(s) Buffering

The application includes a preservation plan for existing oak trees and planting 2 lilac bushes to buffer the abutting property owner from the proposed road.

(t) Open Space Impact Fee

Not applicable.

(u) Utility Access

The applicant has provided letters from the Portland Water District and Central Maine Power for installation of utilities in the proposed road. Electric, telephone and cable TV will be installed underground.

(v) Phasing

Not applicable.

Motion for the Board to Consider

Findings of Fact

1. Stephanie Boggs is proposing a private road to be constructed within the paper of Elizabeth Rd, located north of Reef Rd, to create access to a back lot located at the end of Elizabeth Rd, which requires review under Sec. 16-2-3 of the Subdivision Ordinance.
2. The Town Engineer and Fire Chief have raised concerns with the requested waivers to the road construction standards.
3. 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 Stephanie Boggs to construct a private road within the paper street of Elizabeth Rd (to be named Old Hayfield Rd) to create

access to a back lot located at the end of Elizabeth Rd, be approved, subject to the following conditions:

1. That the plans be revised to address the recommendations in the Town Engineer's letter dated November 13, 2013;
2. That a note be added to the plan that there shall be no road construction until a performance guarantee has been provided to the town in accordance with Sec. 16-2-6 of the Subdivision Ordinance; and
3. That the plans be revised and submitted to the Town Planner for review and approval prior to recording the subdivision plat.