

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: December 17, 2013
SUBJECT: Old Hayfield Rd Private Road Review

Introduction

Stephanie Boggs is proposing a private road/private accessway 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/private accessway would be named Old Hayfield Rd. The application was deemed complete and a public hearing was held November 19, 2013. The plan will be reviewed under Sec. 19-7-9 of the Private Accessway standards and 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 provide an opportunity for public comment.
- 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.

Private Road 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 a future residential lot.

(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 comprehensive plan recommends preserving the buildability of existing nonconforming lots, such as the lot this proposal creates access to.
3. Connectivity. The proposed road is located in a 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 requested a waiver from the minimum grade of the road intersecting Reef Rd in order to reduce the cut/fill needed for road construction.
7. Block Length. Not applicable.
8. Lot Access. The public accessway portion of the application will provide access to the back lot owned by the applicant. A private accessway is limited to access for 1 lot. Additional lots seeking access to Old Hayfield Rd will trigger the private road construction standards and Planning Board Review.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. The road/accessway name has been approved by the Police Chief.

11. Road Construction Standards. The proposal includes construction of a private road for 73' and then a private accessway. The road is proposed to comply with the minimum construction standards for width and gravel base of a private road. The applicant is requesting a waiver to shift the road 5' off center in the right-of-way. A waiver to increase the minimum grade intersecting Reef Rd from 3% for the first 50' to 3% for the first 30' and then 12% for the remainder of the private road is also requested. Both waivers are requested to preserve existing mature trees and reduce cut and fill of the existing topography.
- (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 waivers 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. The applicant is proposing to construct 2 rain gardens on either side of Old Hayfield Rd where it intersects with Reef Rd (See Sheet 5). Stormwater will flow into the rain gardens and the plants and soil medium will help clean the stormwater.

(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 installing an 8' high fence to buffer the Hamm property from the proposed accessway.

(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.

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

a. One dwelling unit

No home construction is proposed, however, a building envelope is shown able to accommodate one single family home.

b. Access

1. 30' right of way - The right of way width of the paper street ranges from approximately 45' to 48', which exceeds the minimum 30' required for a private accessway.
2. Accessway - The proposed accessway will have an 18' wide gravel subbase and a 14' wide paved traveled surface flanked with 2' wide gravel shoulders. The applicant is requesting a waiver of the maximum 5% grade for the first 50' of the accessway to a 12% grade. A turnaround is proposed at the end of the private accessway.
3. Sight Distance - not applicable.
4. One lot - The private accessway will serve one lot owned by Stephanie Boggs and located at the end of the accessway.

5. Lesser standard – Requested waivers are noted above.

c. Sewage Disposal

The applicant has submitted test pit data that indicate a subsurface disposal system could be installed on the lot.

d. Building envelope

A building envelope is shown on the plans.

Motion for the Board to Consider

Findings of Fact

1. Stephanie Boggs is proposing a private road and private accessway 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 has recommended adjustments to the plans.
3. Both the private road and private accessway will be privately maintained and a private maintenance agreement should be executed and recorded assigning obligations for private maintenance and rights of the town to maintain and recover costs.
4. Town regulations require that a performance guarantee be provided for construction of a road and that a private accessway must be constructed and inspected by an engineer.
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 Stephanie Boggs to construct a private road and private accessway 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 December 11, 2013;

2. That a road maintenance agreement be submitted in a form acceptable to the Town Attorney, executed and recorded in the Cumberland County Registry of Deed;
3. 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
4. That there be no alteration of the site, issuance of a building permit, or recording of the private accessway plan until the above conditions have been satisfied.