

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: May 22, 2014
SUBJECT: Harvest Lane Private Road Amendment

Introduction

Nick Tammaro is requesting an amendment to the previously approved Harvest Lane Private Road to extend the road to provide adequate frontage for a second lot. The application was deemed complete and a public hearing has been scheduled 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)

The Town Engineer and Fire Chief comments are attached. Below is a summary of the application's compliance with the Subdivision Ordinance standards of review.

(a) Pollution

The additional road construction necessary to accommodate a second lot is not expected to substantially increase the alterations already constructed for the first lot.

(b) Sufficient Potable Water

A second public water line will be installed to serve the second lot.

(e) Erosion

An erosion control plan has been submitted as part of the application and includes a stabilized construction entrance, silt fencing and plunge pool.

(d) Traffic

1. Road congestion and safety. With the proposed improvements, the private road can accommodate an additional lot.
2. Comprehensive Plan. No change.
3. Connectivity. The creation of a second lot will eliminate a potential access point for the Maxwell Farm. Maxwell Farm has substantial frontage on both Spurwink Ave and Sawyer Rd, so that preserving access to Valley Rd at this location is probably not needed.
4. Safety. The very low volumes anticipated on the proposed road are not expected to create a safety hazard.
5. Through traffic. The second lot will prevent further access to the Maxwell Farm at this location.
6. Topography. The proposal is to create access from an existing private road.
7. Block Length. Not applicable.
8. Lot Access. The proposal is to provide access to lot 2 over the existing private road called Harvest Lane. Lot 2 should be conveyed a deeded right of access over Harvest Lane.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. No change.
11. Road Construction Standards. The existing private road will be expanded to comply with current local private road standards. The width of the traveled surface will be increased to 22' wide. The first 50' of the private road intersecting with Valley Rd will be paved and curbing will be added at the radii. A new road extension to lot 2 is proposed and has been referred to as a turnaround. In fact, there is an existing turnaround on the site, so the road extension can be constructed at a 22' wide width without any waivers to the road standards. The condition of the existing

turnaround, however, is gravel and may be less than the 24' wide width required for a turnaround. The Fire Chief has agreed that a width of 22' would be acceptable to him as long as the overall turning radius provided is sufficient for a B-40 category vehicle (which is the size of the Fire Department Ladder Truck). Due to the gravel surface of the abutting road, the Fire Chief also finds leaving the turnaround with a gravel rather than paved surface acceptable.

(e) Sewage Disposal.

The applicant has submitted a septic system design that is under review by the Code Enforcement Officer.

(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 construction is located immediately adjacent to the developed area of the road.
4. Farmland. The proposed lot is one corner of a large lot known as Maxwell Farms. The area of the proposed lot is not cultivated to grow crops.

(h) Conformity with local ordinances

1. Comprehensive Plan. No portion of the application appears in direct conflict with the Comprehensive Plan.
2. Zoning Ordinance. The proposed lot is over 100,000 sq. ft. in size. The minimum lot size in the RA District is 80,000 sq. ft. and 100,000 sq. ft. is needed to keep animals.
3. Multiplex Housing. Not applicable.
4. Addressing Ordinance. No change.

(i) Financial and Technical Capability

The applicant has provided a letter from Town Manager Michael McGovern confirming the financial capability of the applicant and the applicant has asserted his technical capability to construct Harvest Lane as proposed.

(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. Approximately $\frac{1}{2}$ of the lot is depicted as RP2 wetland. The Planning Board may want to have the applicant revise the plan to show a building envelope that creates a minimum 25' setback from the wetland edge wherever feasible. The building envelope should be accompanied by a note limiting activities outside the building envelope to the construction of a driveway and installation of utilities. Because of the size of the lot, the Planning Board may want to inquire about any intention to graze animals in the RP2 wetland area. The RP2 wetland is not currently used for agricultural activities, and adding agriculture to the RP2 wetland would trigger a Resource Protection Permit from the Planning Board.

(n) Stormwater

The Town Engineer has reviewed the stormwater plan and supports this approach. Stormwater will continue to be collected in a swale parallel to the private road and discharged to an existing swale. As a follow-up to the prior private road approval, staff is recommending that a drainage easement be provided, which the applicant has submitted in draft form.

(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

The expected building envelop for the new lot will provide access to direct sunlight for the proposed home.

(s) Buffering

The application relies on the preservation of existing vegetation to provide a buffer between the existing neighborhood and the new lot.

(t) Open Space Impact Fee

Not applicable.

(u) Utility Access

Electrical, cable and telephone utilizes will be installed underground. A letter from the Portland Water District has been submitted.

(v) Phasing

Not applicable.

Motion for the Board to Consider

Findings of Fact

1. Nick Tammaro is requesting an amendment to the previously approved Harvest Lane Private Road to extend the road to provide adequate frontage for a second lot, 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 application includes a draft road maintenance agreement and drainage easement which the Town Attorney should review.
4. 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 Nick Tammaro for an amendment to the previously approved Harvest Lane Private Road to extend the road to provide adequate frontage for a second lot , be approved, subject to the following conditions:

1. That the plans be revised to address the recommendations in the Town Engineer's letter dated May 6, 2014;
2. That any changes to the existing turnaround be depicted on the plans so that the turnaround can accommodate a B40 class vehicle, and that the turnaround may remain a gravel surface;
3. That the plans be revised to show a building envelop with a minimum 25' setback from the RP2 wetland boundary, except that a smaller setback may be shown for the area near the driveway. A note should be added to the plans that "Activities outside the building envelope shall be limited to construction of a driveway and installation of utilities";
4. That a road maintenance agreement, drainage easement, and deeded access for lot 2 over Harvest Lane be submitted in a form acceptable to the Town Attorney, signed by the applicant and recorded in the Cumberland County Registry of Deeds;
5. That a note be added to the plan that "No changes to the RP2 wetland are proposed and any alteration of the wetland, including conducting agricultural activities in the RP2 wetland, must comply with the wetland regulations, including obtaining a Resource Protection Permit, when required by the Zoning Ordinance";
6. 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
7. That the plans be revised and submitted to the Town Planner for review and approval prior to recording the plan.