

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: June 16, 2015  
SUBJECT: 1200 Shore Rd Private Accessway Permit

### Introduction

The Rudolf F. Haffenreffer IV Trust is requesting a Private Accessway Permit to construct a driveway to a lot to be located at 1200 Shore Rd (R2-4E-2). The application will be reviewed for compliance with Sec. 19-7-9, Private Accessway Provisions.

### Procedure

- The Town Planner will summarize the applicable town regulations.
- The applicant should introduce the project.
- The Board should then make a finding of completeness. If the application is deemed incomplete, Board members should identify the items needed to make the application complete and no substantive discussion of the application should occur. If the application is deemed complete, the Board may begin review.
- The Board should decide if a site walk and/or public hearing will be scheduled.
- The Board may begin discussion at any time.
- At the close of discussion, the Board has the option to table, approve, approve with conditions or deny the application.

### Summary of Completeness

The comments of the Town Engineer and the completeness checklist are attached. Below is a summary of potential incomplete items.

- d. A draft road maintenance agreement has not been provided. The town has a model road maintenance agreement and the applicant could agree to submit a complete draft for the next meeting.

### Discussion

If the application is deemed complete, the Board may want to discuss the following items and provide the applicant with direction before a motion to table the item is made.

1. Town Engineer comments. The Town Engineer has identified several recommended design changes and additional information to be added to the plans.
2. Beach lot. At the time this lot was created, a separate 40,000 square foot beach lot was also created in a zoning district with an 80,000 sq. ft. minimum lot size. The lot does not meet the minimum lot size, but was in common ownership with an abutting, conforming lot. That is no longer the case and the buildable status of this lot has been under discussion. The 1200 Shore Rd lot and the beach lot are linked by deed and plan.

The applicant and the town have agreed to a Declaration of Restrictions that clarifies the buildable status of the lot. This agreement should be recorded. Consistent with this declaration, the Code Enforcement Officer is recommending that a note be added to the plans that "No building or structure shall be allowed on the Beach lot, except for a narrow set of stairs to provide access to the beach." In addition, the "building envelope" on the Beach lot should be removed. Town staff have fielded numerous inquiries from potential lot purchasers seeking or expecting to build on the beach lot.

3. Potable water. The applicant is proposing to install a private well on the lot. Public water is available in Shore Rd.

#### Motion for the Board to Consider

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Rudolf F. Haffenreffer IV Trust for a Private Accessway Permit to construct a driveway to a lot to be located at 1200 Shore Rd (R2-4E-2) be deemed (complete/incomplete).

BE IT ORDERED that the above application be tabled to the regular July 21, 2015 meeting of the Planning Board, at which time a public hearing will be held.