

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: July 21, 2105  
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 located at 1200 Shore Rd (R2-4E-2). The application will be reviewed for compliance with Sec. 19-7-9, Private Accessways.

### Procedure

- The Planner will briefly describe how the project fits within town regulations.
- The Board may want to begin by having the applicant briefly summarize any changes made to the plans.
- The Board may then want to open the public hearing scheduled for this evening.
- At the close of the public hearing, the Board may begin discussion of the application.
- At the end of discussion, the Board has the option to table, deny, approve or approve with conditions.

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

The Town Engineer's comments are attached. Below is a summary of possible compliance with the Private Accessway Standards.

a. One dwelling unit

A single family home is proposed.

b. Access

1. 30' right of way - The building lot also benefits from a 100' wide perpetual easement that runs between Shore Rd and the building lot for the purpose of providing ingress and egress.
2. Accessway - The driveway is proposed with an 18' wide gravel subbase and 14' wide gravel surface, and 2' wide shoulders. The

first 20' of the private accessway from the intersection with Shore Rd will be paved. Fill will be placed where the private accessway intersects with Shore Rd to achieve a maximum grade of no more than 5%. At 625'± from Shore Rd, a turnaround has been provided adjacent to the driveway. The private accessway slopes away from Shore Rd, so there will be no sheet flow of drainage onto Shore Rd. The radius of the private accessway intersection with Shore Rd is 20'.

3. Sight Distance - Sight distance is 300' easterly and 400' westerly where the driveway intersects Shore Rd.
  4. One lot - The proposed private accessway will serve one lot. A second lot attached by deed to the building lot, referred to as the Beach lot, is restricted from development of a dwelling unit.
  5. Lesser standard - No reduction in standards is proposed.
- c. Sewage Disposal

The applicant has submitted test pit data and a letter from a Registered Soil Scientist confirming that an area suitable for a subsurface wastewater disposal system for a 4-bedroom home is available.

- d. Building envelope

Exhibit 5 depicts a building envelope, which is not labeled. The Planning Board may want to require that the building envelope be labeled and that a note describing activities allowed outside the building envelope be added to the plans.

### Motions for the Board to Consider

#### Findings of Fact

1. The Rudolf F. Haffenreffer IV Trust is requesting a Private Accessway Permit to construct a driveway to a lot located at 1200 Shore Rd (R2-4E-2), which requires review under Sec. 19-7-9, Private Accessways.
2. The Private accessway standards require delineation of a building envelope.

3. The Town Engineer has recommended minor clarifying revisions to the plans.
4. The application substantially complies with Sec. 19-7-9, Private Accessways, and Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, 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 located at 1200 Shore Rd (R2-4E-2) be approved subject to the following conditions:

1. That the plans be revised for compliance with the Town Engineer's comments in his letter dated July 15, 2015.
2. That the building envelope be labeled and a note added to the plan describing activities allowed outside the building envelope as follows:

Activities outside the building are restricted to the installation of driveway and utilities. Vegetation outside the building envelope shall be preserved. Hazard (dead or storm damaged) trees may be removed after consultation with the Code Enforcement Officer, as follows: The removal of standing dead trees, resulting from natural causes, or storm damaged trees, is permissible without the need for replanting as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. The area shall be required to naturally revegetate and or be planted with native plants within one year if natural vegetation has not been established. For the purposes of this provision, dead trees are those trees that contain no foliage during the growing season.

3. That the plans be revised to reflect the above conditions and that there be no issuance of a building permit nor alteration of the site until the plan has been signed by the Planning Board and recorded in the Cumberland County Registry of Deeds. At the time of plan recording, the restrictions on the Beach Lot previously approved by the Town Attorney and Code Enforcement Officer and the revised plan which removes the building envelope from the Beach Lot shall also be recorded.