

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: September 15, 2015  
SUBJECT: Holt Property Amended Subdivision Applications

### Introduction

William S. Holt is requesting amendments to the Berry Subdivision, located on Hannaford Cove Rd, and the Broad Cove Subdivision, located on Running Tide Rd, to amend lot lines. The application will be reviewed for compliance with Sec. 16-2-5, Amendments to Previously approved subdivisions.

### Procedure

- The Planner will provide a summary of the project within the context of town regulations.
- The Board should ask the applicant to summarize any changes made to the plans since last month's meeting.
- The Board should then provide an opportunity for public comment. (This is a public comment period, not a public hearing) which was held last month.
- The Board may begin discussion at any time.
- At the end of discussion, the board has the option to approve, approve with conditions, deny or table the application with the concurrence of the applicant.

### Discussion

At last month's meeting, the Planning Board deemed the application complete, held a public hearing and tabled the application to this meeting. A site walk was also scheduled and held August 26th. Below are items identified by the Planning Board last month for which more information was requested.

1. Road access. Dr. and Mrs. Holt currently own a 27 acre lot with vehicular access from the end of Running Tide Rd. They have subsequently purchased lot 4 of the Berry Subdivision with road frontage/access on Hannaford Cove Rd. The 27 acre lot includes the Holt home. A portion of the 27 acre lot has separate road frontage on Running Tide Rd, west of the home driveway. This separate frontage is located within 250' of an RP1 wetland, where new road or driveway construction is prohibited. This 50' area of frontage is therefore not an opportunity for vehicular access.

The Holts are proposing to create a 10 acre lot for their existing home, referred to as an estate lot. This lot will continue to have vehicular access to Running Tide Rd, with no other access. A second lot will be conveyed to an abutter, the Wassermans. The conveyed lot has no frontage on a road, and must be merged into the Wasserman lot to avoid creating an illegal, nonconforming lot.

The third lot is the remainder of the 27 acre lot. This lot will not have any frontage on a road unless it is merged with lot 4, which is owned by the Holts. Lot 4, with 470+' of road frontage on Hannaford Cove Rd, is by far the best vehicular access to all the land currently owned by the Holts. Hannaford Cove Rd is a town accepted road. The impact of traffic from lot 4 has already been incorporated into the Planning Board's review of the Berry Subdivision.

2. Tote Rd. The applicant has provided an opinion that the only the owners of the Duffet Lot and the Rich Lot have rights to use the tote road. The Holts are not proposing to change the status of the tote rd.

3. Subdivision lot. The Holts have agreed to merge their land into lot 4. The result is that changes to lot 4, such as lot line changes to create additional lots, would trigger Planning Board review.

#### Motion for the Board to Consider

#### Findings of Fact

1. William S. Holt is requesting amendments to the Berry Subdivision, located on Hannaford Cove Rd, and the Broad Cove Subdivision, located on Running Tide Rd, to amend lot lines, which requires review for compliance with Sec. 16-2-5, Amendments to Previously approved subdivisions.
2. The application is limited to merging existing subdivision lots with adjacent vacant land.
3. The application substantially complies with Sec. 16-2-5, Amendments to Previously approved subdivisions.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of William S. Holt for amendments to the Berry Subdivision, located on Hannaford Cove Rd, and the Broad Cove Subdivision, located on Running Tide Rd, to amend lot lines be approved, subject to the following condition:

1. That the Wasserman lot be merged with the existing lot owned by the Wassermans' located on Running Tide Rd.