

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: April 24, 2017  
SUBJECT: Nelson Private Accessway Permit

### Introduction

Donald Nelson is requesting a Private Accessway Permit to make an existing nonconforming lot with insufficient frontage located at 4 Silva Drive (U46-2) buildable. The application will be reviewed for compliance with Sec. 19-7-9, Private Accessways. If the application is deemed complete, a public hearing has been advertised for this evening.

### Procedure

- The Board should begin by having the applicant present the project.
- The Board should allow public comment on completeness.
- The Board should then make a finding of completeness. If the application is deemed incomplete, board members should identify the information needed to make the application complete and no substantive discussion of the application should occur. If the application is deemed complete, substantive review may begin.
- The Board may then want to open the public hearing advertised for this evening.
- At the close of the public hearing, the Board may begin discussion of the application.
- If the Board would like to schedule a site walk, the application will need to be tabled to the next meeting.
- At the end of discussion, the Board has the option to table, deny, approve or approve with conditions.

### Summary of Completeness

The comments of the Town Engineer and the completeness checklist are attached. The following items may potentially be incomplete.

The Town Engineer has noted that curb radii have not been provided, but is recommending that this information in this instance can be waived. He is also recommending that utility connections be specified as underground or overhead, and that a single trench be created in Silva Dr for utility connections.

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

a. One dwelling unit

A single family home is proposed.

b. Access

1. 30' right of way - The proposed right of way width is 30'.
2. Accessway - The driveway is proposed to be a minimum 18' wide and paved with a minimum of 2" of asphalt. Due to the short length of the driveway, the Fire Chief waives the turnaround requirement.
3. Sight Distance - No sight distance measurement has been provided.
4. One lot - One lot will become buildable as part of this approval.
5. Lesser standard - No reduction in standards is requested.

c. Sewage Disposal

The applicant is requesting that a completed HHE-200 form be submitted at the time he applies for a building permit. The Code Enforcement Officer supports that request.

d. Building envelope

The plans include a building envelope and a note prohibiting construction of structures outside the building envelope.

Motions for the Board to Consider

**A. Motion for Completeness**

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Donald Nelson for a Private Accessway Permit to make an existing nonconforming lot with insufficient frontage located at 4 Silva Drive (U46-2) buildable be deemed (complete/incomplete.)

## **B. Motion for Approval**

### Findings of Fact

1. Donald Nelson is requesting a Private Accessway Permit to make an existing nonconforming lot with insufficient frontage located at 4 Silva Drive (U46-2) buildable, which requires review under Sec. 19-7-9, Private Accessways.
2. The Fire Chief is waiving the requirement for a turnaround.
3. The Code Enforcement Officer supports provision of an HHE-200 form designing the septic system as part of the building permit.
4. A road maintenance agreement is not needed due to the short length of the driveway serving only one lot.
5. The lot is in a developed neighborhood where a physical inspection of the site demonstrates adequate site distance.
6. The applicant will likely be making utility connections in Silva Drive, which was paved last year. The Public Works Director prefers that a single, wider trench be used for utility connections instead of multiple trenches.
7. 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 Donald Nelson for a Private Accessway Permit to make an existing nonconforming lot with insufficient frontage located at 4 Silva Drive (U46-2) buildable be approved, subject to the following conditions:

1. That an HHE-200 form designing the subsurface wastewater disposal system be submitted and approved by the Code Enforcement Officer prior to issuance of a building permit;
2. That the curb radii of the driveway be of adequate size to allow access for the Fire Department ladder truck.
3. That a single trench across Silva Drive be used to establish utility connections to the new lot.

