

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: May 18, 2017
SUBJECT: Holt Private Road review

Introduction

Dr. William Holt is requesting review of an upgrade of his existing driveway at 15 Running Tide Rd to a private road in order to provide frontage for a new lot. The application will be reviewed for compliance with Sec. 19-7-9(B), New Private Road.

Procedure

- 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)

(a) Pollution

The road construction proposed is not expected to generate undue water pollution. The construction is not located in a floodplain. The slope of the land has been incorporated into the applicant's stormwater management plan. Applicable state and local health and water resource regulations are addressed in more detail below.

(b) Sufficient Potable Water

The Portland Water District has reviewed the proposed water services and new hydrant. The existing Holt lot will be served by a 1.5" water line and the new lot will be served by a 1" water line. The Town Engineer has recommended that additional information be added to the plans.

(e) Erosion

The applicant has provided an Erosion and Sediment Control plan for construction of the private road.

(d) Traffic

1. Road congestion and safety. The proposed road, which will serve 1 additional lot, will not result in traffic volumes that exceed the capacity of Running Tide Rd.
2. Comprehensive Plan. The proposed road provides access to existing undeveloped lots and the Comprehensive Plan supports infill development in existing neighborhoods.
3. Connectivity. The proposed road connects to the existing Running Tide Rd.
4. Safety. The very low volumes anticipated on the proposed road are not expected to create a safety hazard.
5. Through traffic. Vineyard Lane is a dead-end.
6. Topography. The proposed private road is located on an existing private driveway, so no significant topographic changes will be needed to upgrade the driveway to a private road.
7. Block Length. Not applicable.
8. Lot Access. The private road will provide access to an existing home and also to a new proposed lot. Existing constraints on the Holt property, such as the presence of RP1 and RP2 wetlands and view easements, severely limit the potential for substantially more lots on the private road.
9. Sidewalks/pedestrian connections. No sidewalks are proposed or required on a private road.
10. Road Name. The name Vineyard Lane has been approved by the Police Chief.
11. Road Construction Standards. The private road will be built substantially to local road standards, but the width has been reduced to a 14' wide traveled way with 2' wide loamed and seeded shoulders over a total 18' wide gravel base. The road will also not be exactly centered in the right-of-way to minimize alterations to adjacent drainage areas and utilities.

(e) Sewage Disposal.

Both the existing home and the new lot 2 will be served by public sewer. The Town Engineer is recommending minor adjustments to the sewer design.

(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 reduction in road width reduces the impact on the adjacent stream.
4. Farmland. No farmland is included in this application. The applicant does own a vineyard which is located on a separate property.

(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 new lot 2 meets the minimum lot size and frontage, with the construction of the private road.
3. Multiplex Housing. Not applicable.
4. Addressing Ordinance. The Police Chief has approved the name Vineyard Lane.

(i) Financial and Technical Capability

The applicant has provided a memorandum from the Town Manager asserting adequate financial capacity and a list of professionals with experience in designing subdivisions.

(j) Surface Waters

Not applicable.

(k) Ground Water

The development is not proposed within a significant aquifer recharge area.

(l) Flood Areas

The property includes floodplain but the road is not proposed within the floodplain.

(m) Wetlands

No wetland alteration is proposed. Code Enforcement Officer Ben McDougal has reviewed the plans and accompanying documentation and found them acceptable.

(n) Stormwater

The Town Engineer has reviewed the stormwater plan and supports this approach.

(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 new lot includes a building envelope where the proposed home will have direct access to sunlight.

(s) Buffering

The new lot includes a building envelope which limits construction to the area within the envelope and results in preservation of most of the vegetation on the lot.

(t) Open Space Impact Fee

Not applicable.

(u) Utility Access.

The applicant has provided letters that there will be adequate public water, public sewer, electric and telephone capacity to serve the subdivision.

(v) Phasing.

Not applicable

Motion for the Board to Consider

Findings of Fact

1. Dr. William Holt is requesting review of an upgrade of his existing driveway at 15 Running Tide Rd to a private road, Vineyard Lane, in order to provide frontage for a new lot which requires review for compliance with Sec. 19-7-9(B), New Private Road.
2. The private road (will/will not) result in undue water pollution. The private road (is/is not) located in the 100-year floodplain. Soils (will/will not) support the proposed uses. The slope of the land, proximity to streams, and state and local water resource rules and regulations (will/will not) be compromised by the private road.
3. The private road (will/will not) have public water infrastructure to provide sufficient quantity and quality of potable water for lot 2.
4. The private road (will/will not) cause soil erosion, based on the erosion control plan provided.
5. The private road (will/will not) cause unreasonable road congestion or unsafe vehicular and pedestrian traffic. The private road (extends/does not extend) an existing road network and therefore supports connectivity while discouraging through traffic. The private road (is/is not) laid out to conform to existing topography as much as is feasible. All lots (are/are not) provided with vehicular access. The private road (is/is not) designed to meet town standards, with exception of waivers granted for road width and centering in the road right-of-way.

6. The new lot 2 (will/ will not have) adequate sewage disposal.
7. The private road (will/will not) have an undue adverse impact on scenic or natural areas, historic sites, significant wildlife habitat, rare natural areas, or public access to the shoreline.
8. The private road (is/is not) compatible with applicable provisions of the Comprehensive Plan and town ordinances.
9. The applicant (has/has not) demonstrated adequate technical and financial capability to complete the project.
10. The private road (will/will not) adversely impact surface water quality.
11. The private road (will/will not) adversely impact the quality or quantity of ground water.
12. The private road is not located in the floodplain.
13. The road (is/is not) located in a wetland.
14. The private road (will/will not) provide for adequate stormwater management.
15. The private road is not located in the watershed of Great Pond.
16. The private road is not located in more than one municipality.
17. The private road is not located on land where liquidation harvesting was conducted.
18. The lots served by the private road (will/will not) have access to direct sunlight.
19. The new lot 2 served by the private road (will/will not) include a vegetative buffer as a result of the building envelope and the restrictions on vegetation removal outside the building envelope.
20. The lots served by the private road (will/will not) be provided with access to utilities.
21. The private road does not include a phasing plan that provides for emergency access during all phases of construction.

22. The applicant has substantially addressed the Private Road standards in Sec. 19-7-9(B)>

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of 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 11, 2017;
2. That the Road maintenance agreement be signed and recorded in the Cumberland County of Deeds;
2. That there be no alteration of the site nor issuance of a building permit until the plans have been revised to satisfy the above condition and submitted to the town planner for review.