

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: September 19, 2017
SUBJECT: 75 Ocean House Rd Private Road/Private Accessway (Bella's Way)

Introduction

KTO LLC (Kevin O'Donovan) is requesting a Private Road and Private Accessway review to create road frontage for a new lot to be located at the rear of 75 Ocean House Rd. The application will be reviewed for compliance with Sec. 16-3-1, Subdivision Ordinance review limited to the private road, and Sec. 19-7-9, Private Accessway.

Procedure

- The Board should begin by having the applicant introduce the project.
- The Board should then allow public comment regarding 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 review of the application should occur. If the application is deemed complete, substantive review may begin.
- The Board should decide if a site walk and/or public hearing will be held.
- At the close of discussion, the Board should consider a motion to table the application.

Summary of Completeness

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

Private Road Review

Private road review is conducted by using the standards applicable to road construction in the Subdivision Ordinance. It is typical that many of the subdivision submission requirements and standards are review are not applicable to a private road proposal. The following items are potentially incomplete.

3. Survey. The applicant has submitted a property boundary survey prepared by a land surveyor. The plan showing the proposed new lot line and turnaround easement, has no surveyor notation. This plan should also be stamped by a registered land surveyor prior to Planning Board signature/recording.
12. Financial capability. The applicant has not submitted any information on financial capability, but has provided documentation of technical capability.
16. Wetlands. The applicant has submitted wetland soils information on the property prepared by a soils scientist. The mapping shows an area of Peacham soils, which is very poorly drained. The area of the mapped Peacham soils is approximately 18,000 sq. ft. If this section of Peacham soils is contiguous with very poorly drained soils on other property of an amount 43,560 sq. ft. or more, the zoning will change from RP2 to RP1. Additional mapping of the contiguous very poorly drained soils should be conducted to confirm the RP2 zoning designation.

Private Accessway

The portion of proposed "Bella's Way" where only one lot has access can be reviewed as a Private Accessway. Below is a summary of potentially incomplete items:

- c. Survey. Same issue as above.
- (4) Wetlands. Same issue as above.
- (9) Building envelope. The building envelope should be labeled on the plans. A note should also be added to the plans detailing the activities allowed outside the building envelope. A typical note limits activities outside the building envelope to the installation of driveways, utilities and removal of diseased and dying vegetation only with the approval of the Code Enforcement Officer.

Discussion

If the application is deemed complete, the Board may want to consider the following items:

1. Private Accessway width. The Fire Chief has provided comments that support keeping an 18' wide private accessway, as well as requiring the usual road maintenance agreement.
2. Utilities. The applicant is proposing to install utilities along the southern side of the front lot to access the rear lot. The Planning Board may want to consider requiring that utilities be located in the private road and accessway. There appears to be further potential for development of a lot behind the Clark house. If this lot obtains access from the proposed Bella's Way, utilities in the road may ease utility extension. In addition, the proposed location of utilities will require removal of existing wooded buffer. Even if the utilities are located as proposed, a minimum 5' setback from the wetland edge should be provided to avoid any wetland alteration during installation.
3. Nearby driveway intersections. The Subdivision Ordinance requires that new road access points be separated by 125'. The applicant has noted that the proposed private road is 116' from the nearest driveway intersecting Route 77. The Planning Board, as part of an approval, has the opportunity to waive this standard. The past practice of the Planning Board has been allow existing access points to continue.
4. Waivers. As part of an approval, the Planning Board will be asked to waive the Private Road Right of way width requirement of 50' to 35', which is the existing right-of-way limit. The private road traveled way width requirement of 22' is requested to be waived to 18'.
5. Monumentation. The plan should show monumentation of the private road.

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 KTO LLC (Kevin O'Donovan) for a Private Road and Private Accessway review to create road frontage for a new lot to be located at the rear of 75 Ocean House Rd be deemed (complete/incomplete).

B. Motion to Table with Public Hearing

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of KTO LLC (Kevin O'Donovan) for a Private

Road and Private Accessway review to create road frontage for a new lot to be located at the rear of 75 Ocean House Rd be tabled to the regular October 17, 2017 meeting of the Planning Board, at which time a public hearing will be held.