

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 17, 2017
SUBJECT: 75 Ocean House Rd Private Road/Private Accessway

Introduction

KTO LLC (Kevin O'Donovan) is requesting review to construct a Private Road and Private Accessway, to be named Bella's Way, to provide access to a new lot located at the rear of 75 Ocean House Rd. The application will be reviewed for compliance with Sec. 19-7-9 New Private Rd and Private Accessway.

Procedure

- The Board should begin by having the applicant introduce the project.
- The Board should then provide an opportunity for the public to comment on completeness.
- The Board then makes 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, the Board may continue with substantive review.
- The Board should decide if a site walk and/or public hearing will be scheduled.
- At the close of discussion, the Board should table the application.

Summary of Completeness

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

No items appear incomplete.

Discussion

Beyond the level of completeness, the Board may want to discuss the following items.

1. Wetlands mapping. This project was withdrawn from last month's Planning Board meeting in order for the applicant to map the extent of Very Poorly Drained soils contiguous with the Peacham soils located on

the property. The extent of Peacham soils has been provided, however, there is no confirmation that other Very Poorly Drained soils, other than Peacham soils were or were not found.

2. Right-of-way. The applicant has provided documentation that he has legal access to a 35' wide right-of-way located on the abutting Clark property. The documentation has been reviewed by the Town Attorney and he concurs with the applicant's interpretation. The Clarks will likely need to change their address and have asked if the new road could be named Edgecomb Rd in memory of a prior resident.
3. Future development. It appears that additional new lots may possibly use the right-of-way for access. The applicant has been asked to locate the utilities within the right-of-way, which he has done, and also to size the utilities to allow for future connection. The Planning Board may want to discuss the advantages of anticipating future demand for utilities and the applicant may want to provide information about the increase in cost to upsize the sanitary force main and water line.
4. Wetland buffer. The new lot will include substantial area of RP2 wetland. The Planning Board may want to consider placing boulders at intervals along the wetland boundary to physically mark the limit where vegetation may be removed without a Resource Protection Permit. Over time, it is the town's experience that property owners encroach into wetland areas. The boulder technique was recently approved by the Planning Board for the Running Tide Private Rd lot.
5. Road maintenance agreement. The applicant has submitted a road maintenance agreement and his attorney is working with the town's attorney to make necessary revisions.

Motion 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 review to construct a Private Road and Private Accessway, to be named Bella's Way, to provide access to a new lot located at the rear of 75 Ocean House Rd be deemed (complete/incomplete).

B. Motion to Table (to 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 review to construct a Private Road and Private Accessway, to be named Bella's Way, to provide access to a new lot located at the rear of 75 Ocean House Rd be tabled to the regular November 21, 2017 meeting of the Planning Board, at which time a public hearing will be held.