

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: February 26, 2018
SUBJECT: 1200 Shore Rd Private Accessway Amendments

Introduction

Ben Trout, representing Alex and Brianne Fisher, are requesting amendments to the private accessway granted July 21, 2015 for a lot located at 1200 Shore Rd to add installation of fencing to the allowed activities in the 30' buffer. The application will be reviewed for compliance with Sec. 19-7-9, Private Accessways.

Procedure

- The Board should begin by having the applicant introduce the project.
- The Board should then open the meeting to public comment.
- At the close of public comment, the Board should determine if sufficient information has been submitted to consider the amendment. If additional information is needed, board members should identify the information missing.
- If the application has sufficient information to consider the amendment, the Board may begin substantive discussion.
- At the close of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

Discussion

The 2015 approval included a condition intended to minimize changes in the buffer and maximize preservation of existing vegetation. The applicant is requesting to add another permitted activity in the buffer, installation of a split rail fence along the property boundary and asserts that no trees will be removed to install the fence. Since 2015, the Planning Board has refined its approach to preserving buffers to avoid encroachments. As part of the amendment to allow installation of a fence in the buffer, the Planning Board may want to consider two additional conditions:

1. That no structure be constructed within 10' of the edge of the building envelope;

and

2. That the extent of driveway and utility installation within the buffer be shown on the plans and be limited to no more than 750 sq. ft. of area disturbed within the buffer.

The mouth of the existing driveway is 25' and the plans show the driveway width tapering to 15' wide. The buffer is 30' deep. (25' x 30' = 750 sq. ft., see attached

The Code Enforcement Officer suggests that the posts to be installed at the property corners as part of the fencing be installed just inside the property line to avoid disturbing property pins. It is against state law to remove property pins and disturbed pins must be reset by a licensed surveyor.

Motion for the Board to Consider

Findings of Fact

1. Alex and Brianne Fisher, are requesting amendments to the private accessway granted July 21, 2015 for a lot located at 1200 Shore Rd to add installation of fencing to the allowed activities in the 30' buffer, which requires review under Sec. 19-7-9, Private Accessways.
2. Removal of natural vegetation within the buffer strip must be minimized to preserve the integrity of the buffer strip as a visual screen from other properties.
3. The applicant has demonstrated that a perimeter fence can be installed without removing trees in the buffer strip.
4. The applicant substantially complies with the Private Accessway standards, Sec. 19-7-9.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Alex and Brianne Fisher for amendments to the Private Accessway Permit granted for 1200 Shore Rd to install a fence along the property line and in the buffer be approved, subject to the following conditions:

1. That no structure be located within 10' of the edge of the building envelope;

2. That the extent of driveway and utility installation within the buffer be shown on the plans and be limited to no more than 750 sq. ft. of area disturbed within the buffer;
3. That the fence posts placed at the property corners be installed just inside the property line to avoid disturbing property pins.