

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: September 18, 2018  
SUBJECT: Haines Private Accessway Permit

### Introduction

Stephen and Jennifer Haines are requesting a Private Accessway Permit to create adequate road frontage for an existing lot located at 28 Woodland Rd. The application will be reviewed for compliance with Sec. 19-7-9, Private Accessway Permit.

### Procedure

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

### Summary of Completeness

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

No items appear incomplete.

### Discussion

Beyond the completeness level, the board may want to consider the following.

1. Building envelop note. It has been standard practice for the Planning Board to limit activities outside the building envelop in favor of preserving existing vegetation as a buffer. The lot is located in compact neighborhood and it is likely that all the vegetation will be removed as part of the development of the lot. Does the Planning Board wish to

require formal buffering? Do you want to preserve the existing vegetation or require that a planted buffer be installed at the end of construction?

If existing vegetation can be used as a buffer and the board wants vegetation preserved, a note should be added to the plan requiring that the buffer be preserved and limits activities outside the building envelop. The board may also want to consider requiring that no new building footprint may be installed within 10' of the building envelope boundary, as it has been the town's experience that any building footprint within 10' of the envelop results in removal of vegetation outside the envelope. Alternately, the board could assume that existing vegetation will be removed and require a planting plan to establish a buffer.

2. Existing sewer line easement. There is an existing public sewer line in the driveway area, also known as Highland Rd. The town would like to be granted a formal sewer easement for this line, and is willing to prepare easement documents for the applicant to sign.
3. Norris lot access. The Norris', who abut the property, have asserted rights to access Highland Rd, where the driveway is proposed. The applicant should demonstrate that the driveway, as designed, does not compromise access by the abutters. Alternately, the applicant could demonstrate that access rights do not exist.

#### Motion for the Board to Consider

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Stephen and Jennifer Haines for a Private Accessway Permit to create adequate road frontage for an existing lot located at 28 Woodland Rd be deemed (complete/incomplete). No waivers are included.

BE IT ORDERED that the above application is tabled to the regular October 16, 2018 meeting of the Planning Board, at which time a public hearing will be held.